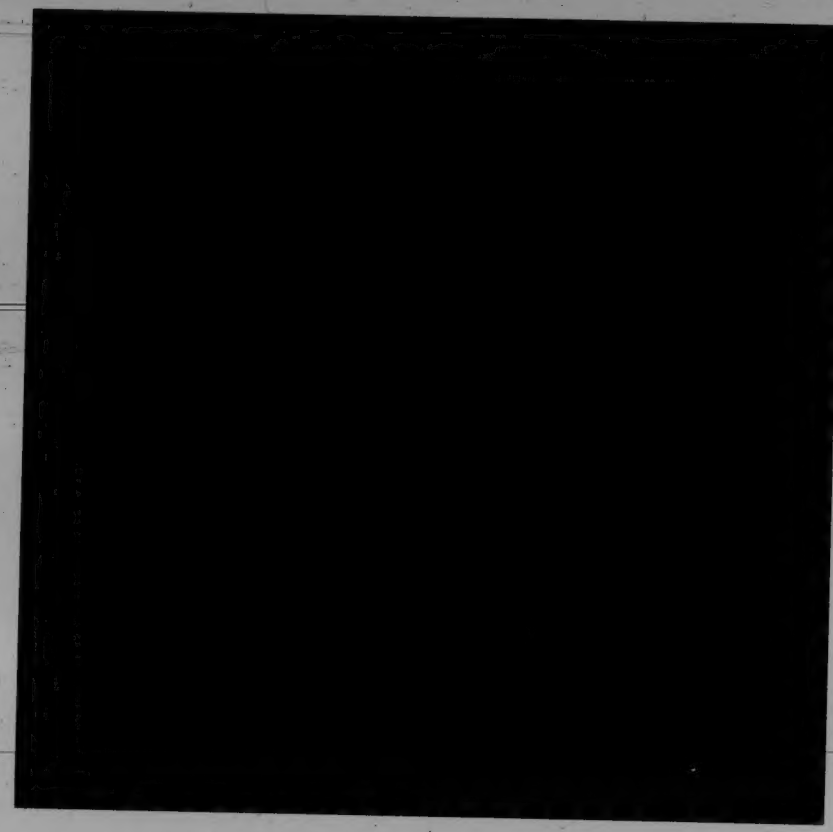
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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 396

CHEROKEE FREEDMEN R1101 - R1271

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1985

Cher.Fr.R-1101

Cher.Fr.R-1101

Trans. from Cher.Fr.D1152

Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

RECEIVED
JUL 18 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

R
Cher F D 1152

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Sarah E. Vann, page 191, # 2110, Coowescoowee District;
Also on Wallace roll, page 18, # 374, Coowescoowee District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 17 day of July, 1902.

[illegible]
Notary Public.

[redacted] 1162

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah E. Vann as a citizen of the Cherokee Nation.

--o--

O R D E R .

--o--

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Sarah E. Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Sarah E. Vann is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 190., in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons, whose names are included therein.

During the months of August, September and October, 190., the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee land offices opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 190., and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Sarah E. Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Sarah E. Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1102

Cher. Fr. R. 1102

Trans. from Cher. Fr. D 1153

Sam Vann, page 196, # 311, Coowescoowee District,
Also on 1896 roll, page [illegible] # 642, Coowescoowee District;

I, [illegible], on oath state that, as stenographer to the Commission to the Five Civilized Tribes, I was present and took the testimony and proceedings had in the above entitled matter, and that the foregoing is an accurate transcript of said testimony taken thereon.

Subscribed and sworn to before me this 17 day of [illegible] 1902.

Notary Public.

C76

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

SAM VANN

as a Cherokee Freedman.

CHEROKEE FREEDMAN D 1153

R
Cher F D 1153

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Sam Vann, page 195, # 3117, Coowescoowee District;
Also on 1896 roll, page 423, # 642, Coowescoowee District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 17 day of July, 1902.

Notary Public.

FILED
Motion allowed ---
APR 25 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman. D-1154.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. Oct. 6, 1904.

In the matter of the application for the enrollment of Lindsey Vann as a Cherokee Freedman.

Lindsey Vann, being first duly sworn, testified as follows:
By the Commission:
Q. What is your name? A. Lindsey Vann.
Q. Where do you live Mr. Vann? A. Right east of Chouteau about wo two and one half miles east of town.
Q. How long have you lived there Mr. Vann? A. Why I was born there, been there all my days till I got in this trouble, never been out of Cherokee.
Q. When you speak of getting into trouble what do you mean? A. By getting in the penitentiary at Leavenworth.
Q. When were you sent to Leavenworth? A. On the twelvth day of December, 1901.
Q. How long did you remain in prison there? A. I was there about thirty three and a half months.
Q. You ha e recently been released have you? A. Yes, sir.
Q. Is this your first appearance before the Commission? A. Yes, sir.
Q. Where were you born Mr. Vann? A. Born east of Chouteau.
Q. Where you are living now? A. Yes, sir.
Q. What is your father's name? A. Dave Vann. He has been dead though twenty years.
Q. What is your mother's name? A. Mary Vann.
Q. Is she living? A. Yes, sir, she is married again and goes by the name of Campbell.
Q. Where does your mother live? A. West of Chouteau, two miles from town.
Q. About how old are you? A. I think I am going on twenty eight.
Q. Your postoffice address is Chouteau? A. Yes, sir.
Q. Do you know whether or not your name is on the 1880 roll? A. Yes, sir, I think so.
Q. Do you know whether it is on the 1896 Censes roll? A. Yes, sir I think it is.
Q. What district is Chouteau in? A. In the Cooweescowee district.
Q. Do you know whether or not any application had been made for your enrollment prior to your coming here today? A. No, sir, I don't think so.
Q. How did it come your mother or someone else did not make application for you? A. Why I don't know how it come, I wrote her to enroll for me.

Q. Did you ever go by any other name than Lindsey Vann? A. Yes, sir I had a family name, they called me Jack Vann.
Q. Have you some brothers or sisters? A. I have two sisters is all.
Q. What are their names? A. Millie Scott and Julia Campbell.
Q. Did you have a brother by the name of Sam? A. Yes, sir.
Q. Is Sam living now? A. No, sir, he's dead.
Q. When did he die? A. Pretty nigh three years ago, before I left to go to Leavenworth.
Q. Before you went to Leavenworth in 1901? A. Yes, sir, December 12, 1901.

Q. You are positive Mr. Vann that you were never out of the Cherokee Nation, except during your incarceration in prison at Leavenworth?
A. Yes, sir, I never was out of the Cherokee Nation.

Opal Griggs, be ing first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of her stenographice notes thereof.

Opal Griggs

Subscribed and sworn to before me this 6th day of October, 1904.

J. B. Kimpbell

Notary Public.

Cherokee Freedman-D-1153.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 24, 1905.

In the matter of the application for the enrollment of Sam Vann as a Cherokee Freedman.

I. P. Bledsoe, being duly sworn, testified as follows:

Q. What is your name? A. I. P. Bledsoe.
Q. What is your post office address? A. Choteau, I.T.
Q. Do you represent Sam Vann, an applicant as a Cherokee Freedman? A. Yes sir.
Q. Do you know whether Sam Vann is living? A. He is dead.
Q. When did he die? A. His mother told me that he died in August, 1901.
Q. Have you investigated the matter? A. Yes sir.
Q. Are you satisfied that he died at that time? A. Yes sir.
Q. Are you ready to swear that he was dead before September 1, 1902 A. Yes sir, from the best information I can get.
Q. How old would Sam Vann be if living today? A. About 30.
Q. What District did he live in? A. Cooweescoowee District near Choteau, I.T.
Q. Were you retained by his relatives to represent him? A. Yes sir.
Q. By whom? A. By his brother, Lindsey Vann.
Q. Do you now desire to have the application for the enrollment of Sam Vann dismissed, on the ground that he died before September 1, 1902. A. Yes sir.

COMMISSION --- Motion allowed.

FILED

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 24th. day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 26th. day of April, 1905.

CTB

Cherokee Freedmen D 1153

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Sam Vann as a Cherokee Freedman.

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, ~~Indian Territory, on June 30, 1902, Emmet Starr appeared before~~ the Commission to the Five Civilized Tribes and made application for the enrollment of Sam Vann as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 6, 1904, and April 24, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Sam Vann, who is identified on the Cherokee authenticated tribal roll of 1880, page 195, No. 3117, Cooweescoowee District, and on the Cherokee census roll of 1896, page 423, No. 642, Cooweescoowee District, died prior to September 1, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902, provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE, ORDERED: That, under the provisions of the Act of Congress above noted, the application for the enrollment of Sam Vann as a Cherokee Freedman, be, and the same is, hereby dismissed.

Commissioner

Dated at Muskogee, Indian Territory,

this APR 16 1906

D 1153.

32

IN RE
THE DEATH OF

Sam Dawes

a citizen of the

Cherokee *Nation.*

Approved *190*

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sam Vann
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Chelsea
(Here insert name of postoffice.)
, Ind. Ter., and died on the 8th day of
September, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Lindsey Vann, on oath state that I am 27
years of age and a citizen, by adoption, of the Cherokee Nation;
that my postoffice address is Nowata
(Here insert name of postoffice.)
, Ind. Ter.; that I am
a Brother of Sam Vann
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation
and that said Sam Vann died on the 8th day of
(Here insert name of deceased.)
September, 1902.

WITNESSES TO MARK:
Lindsey Vann

(Must Be Two Witnesses.)
T. A. Chaney
Joe King

Subscribed and sworn to before me this 22 day of Sept 1902.

My comp com
Expires July 22 1904
R E Driggers
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Tommie McGee, on oath state that I am 21
years of age, and a citizen by adoption of the Cherokee Nation;
that my postoffice address is Nowata
(Here insert name of postoffice.)
, Ind. Ter.;
that I was personally acquainted with Sam Vann
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Sam Vann died on the 8 day of
(Here insert name of deceased.)
September, 1902.

WITNESSES TO MARK:
Tommie McGee

(Must Be Two Witnesses.)
T. A. Chaney
Joe King

Subscribed and sworn to before me this 22 day of Sept 1902.

My comp com
Expires July 22 1904
R E Driggers
Notary Public.

COPY.

Cherokee Freedmen

D-1183.

Muskogee, Indian Territory, August 14, 1905.

Lindsey Vann,

Choteau, Indian Territory.

Dear Sir:

This office is in receipt of your letter of August 7, in further reference to the right to enrollment of your brother, Sam Vann.

In reply you are advised the records of this office show that one Sam Vann, age, if living, about thirty years, and who is identified on the 1880 authenticated roll of citizens of the Cherokee Nation, Cooweescoowee district, was listed for enrollment from information and his name placed on a Cherokee Freedmen Doubtful card.

In order to determine the right to enrollment of this Sam Vann it will be necessary that further testimony be introduced as to his right to enrollment. You are requested to advise this office whether or not the Sam Vann referred to is your brother. It appears from your letter that your brother, Sam Vann, died on September 8, 1902, and in case the Sam Vann referred to is your brother you are requested to have the inclosed blank form of death affidavit properly executed and return to

this office in order that his death may be shown upon the records.

Respectfully,

(SIGNED). Wm O. Beall

Acting Commissioner.

LS

Inc. 1 DA

COPY.

Cherokee Freedmen

D-1153.

Muskogee, Indian Territory, September 27, 1905.

Lindsey Vann,

Wagoner, Indian Territory.

Dear Sir:

This office is in receipt of an affidavit signed by you on September 22, 1905, as to the death, on September 8, 1902, of your brother, Sam Vann. No letter of transmittal was received with the affidavit.

You are advised that the records of this office show that your brother, Sam Vann, died prior to September 1, 1902. You are requested to advise this office at the earliest practicable date in reference to this matter.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

LS

Cherokee Freedmen

D-1153.

COPY

Muskogee, Indian Territory, April 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated April 16, 1906, dismissing the application for the enrollment of Sam Vann as a Cherokee freedman, he having died prior to September 1, 1902.

Respectfully,

SIGNED.
Wm O Beall
Acting Commissioner.

Incl. S-49

Cherokee Freedmen

D-1153.

Muskogee, Indian Territory, April 16, 1906.

Lindsey Vann,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated April 16, 1906, dismissing the application for the enrollment of your brother, Sam Vann, as a Cherokee freedman, he having died prior to September 1, 1902.

Respectfully,

SIGNED

Wm O Beall

Acting Commissioner.

Incl. S-48
Register

Department of the Interior,
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Lindsey Venn,

Chouteau, Indian Territory.

Cher. Fr. R 1103.

Cher. Fr. R. 1103

Trans. from Cher. Fr. D 1155

Q. What is your age?

A. Thirty one years.

Q. What is your present post office address?

A. [illegible]

Q. Are you a citizen by blood of the Choctaw Nation?

A. Yes sir I am.

Q. For what do you desire to make application?

A. For the following named persons on the 1896 Choctaw roll, their families and descendants.

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JUL 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible]

[illegible]

Q. Are there any other persons for whom you desire to make application for enrollment?

A. I do. For the following named persons on the 1896 Choctaw roll, their families and their descendants:

[illegible]

[illegible]

[illegible]

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 27 day of June, 1902.

[redacted]

FILED
MAR 13 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1155.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March, 6, 1905.

In the matter of the application for the enrollment of Henry Vann as a Cherokee Freedman.

Now comes the applicant, Henry Vann, in person and by his agent, I. P. Bledsoe, and asks a continuance in this case until March 13, 1905. The Attorneys for the Cherokee Nation offer no objection.

The case is set for March 13, 1905 at 9:00 o'clock A.M.

Eula Jeanes Branson, being sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 11th. day of March, 1905.

Mayron D White

Notry Public.

FILED
MAR 24 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1156.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 13, 1905.

In the matter of the application for the enrollment of Henry Vann as a Cherokee Freedman.

Applicant represented by Mr. Tom Owen.

COMMISSION.

Cherokee Nation represented by James W. Davenport.

Henry Vann, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Henry Vann.
Q. How old are you? A. 34.
Q. What is your post office address? A. Muskogee.
Q. You claim to be a Cherokee Freedman? A. Yes sir.
Q. What was your father's name? A. Moses Vann.
Q. Was he a slave? A. Yes sir.
Q. Of a Cherokee Indian? A. Yes sir.
Q. What was your mother's name? A. Nancy Vann.
Q. To whom did she belong? A. I don't know who either of them belonged to.
Q. Where were you born? A. Gibson.
Q. Where have you lived since your birth? A. I went to Kansas when I was 3 or four years old and lived in Kansas a while, and came back here, and I have lived in Texas awhile.
Q. How many years did you live in Texas? A. I couldn't say--6 or 7.
Q. Can you tell me how many years you have lived outside the Cherokee Nation since you were born? A. I haven't been out over one year at the time. I have been out of the Cherokee Nation about six or seven years, I guess, but not all at one time.
Q. You were 6 or 7 years in Texas---How much have you you been out altogether? A. I have been out--you might call it continuously, for 6 or 7 years, and the rest of the time I was out and in.
Q. Is your father living? A. No sir.
Q. When did he die? A. In '97 I think.
Q. About 8 years ago? A. Not quite 8 years ago.
Q. Is your mother living? A. No sir.
Q. When did she die? A. In '96.
Q. Since your birth have you made your home with your father and mother? A. Not all of the time.
Q. Are you married.? A. No sir.
Q. Have you ever been married? A. No sir.

MR. OWEN:

Q. Where have you been for the last two or three years, Henry? A. I was in Columbus, Ohio.
Q. When did you go to Columbus? A. In 1900, I believe.
Q. You were there in the penitentiary? A. Yes sir.
Q. When did you come back? A. February, 1904.
Q. Where did you live in 1880, then the '80 roll was made? A. I am not positive, but I think I was at Gibson.
Q. Do you know whether your name was put on that '80 roll or not? A. No sir, I couldn't say, but I think my father had it put on.
Q. Have you ever drawn any money in the Cherokee Nation, as a citizen? A. No sir, my mother drawed for me.
Q. What money did she draw for you? A. She drawed the Cherokee Strip money.
Q. Have you ever voted in the Cherokee elections? A. No sir.
Q. Have you been recognized as a Cherokee citizen? A. Yes sir
Q. Were you ever in the penitentiary before you went to Columbus this last time? A. Yes sir.
Q. When were you there before? A. In '98 I think.
Q. How long were you there that time? A. 10 months.
Q. Were you living with your father and mother in 1880? A. Yes sir.
Q. Were they recognized citizens? A. Yes sir.
Q. What did you say your mother's name was? A. Nancy Vann.
Q. Do you know what her name was before she was married? A. Nancy Gentry.
Q. In 1880 your mother's name was Nancy Vann? A. Yes sir.
Q. Was she ever married to any one after she and your father were married? A. No sir.

COMMISSION:

Q. When you went to Kansas you went to the penitentiary? A. No sir.
Q. You have been to the penitentiary, haven't you? A. Yes sir.
Q. Where? A. Leavenworth.
Q. When? A. In '98.
Q. For how long a term? A. One year.
Q. Is that the only time you were ever in the penitentiary? A. No sir, I come back and got into some more trouble and was sent back in 1900 for five years.
Q. Have you just got back? A. I got back the 14th. day of February, 1904.

WITNESS EXCUSED.

Frank Vann, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Frank Vann.
Q. What is your post office address? A. Fort Gibson.
Q. How old are you? A. 55 years old.

MR. OWEN:

Q. Do you know Henry Vann? A. Yes sir.
Q. Is he any relation? A. A brother's son.
Q. What was his father's name? A. Moses Vann.
Q. Is he dead? A. Yes sir.
Q. When did he die? A. He has been dead about 10 years.

Q. What was his mother's name? A. Nancy.
Q. What was her name before she was married? A. Gentry.
Q. Was his father a slave? A. Yes sir.
Q. To whom did he belong? A. John Vann.
Q. Was his mother a slave? A. Yes sir.
Q. To whom did she belong? A. They both belonged to the same man.
Q. Where did Henry Vann's father live when the '80 roll was made? A. At that time he was working on the railroad at Fort Scott Kansas.
Q. Do you know whether he was ever put on the '80 roll? A. No sir, I don't know.
Q. When did he come back to the Nation? A. He would come back every once in a while to Fort Gibson, which was his home.
Q. Do you know whether this Henry Vann that is here has ever been put on the '80 roll? A. I think not, for he was a pretty bad boy, and I think he was in the penitentiary. Ever since he has been any size he has made his home in the penitentiary.
Q. Has he been in the penitentiary more than once? A. I know of twice.
Q. He was sent to Fort Leavenworth in '98, wasn't he? A. I don't know the date of the year, but I know he went there.
Q. Do you know whether his father or mother drew in the Strip payment? A. I think his father did --- no, Mose didn't draw.
Q. Do you know where Henry was in 1880? A. I am not sure, but I think he was in the Penitentiary.

COMMISSION:

Q. In what District is Fort Gibson? A. Illinois.
Q. Has Henry Vann got any brothers and sisters? A. No sir, not by his mother. She didn't have any children but just him. I don't know whether his father had any more children or not.
Q. What do you know about this young man's father as to being a slave? A. We belonged to the same man, and we had the same father and mother.

(MR. DAVENPORT---We object to going into the question of his father being a slave, for this hearing is on the theory that he is on the '80 roll. If not, and no application has been made for him, none can be made).

COMMISSION:

Q. Up to the time this boy was 14 or 15 years old where did he live? A. He didn't live at no particular place. He just rambled around. The greater part of the time I think he was in the penitentiary.
Q. Up to the time he was 15? A. He lived at Fort Gibson where he was born.

MR. OWEN:

Q. He never was sent to the penitentiary until after he was a grown man, was he? A. No sir.
Q. He wasn't sent to the penitentiary when the '80 roll was made? A. I don't think so. He was a rambling boy, and I do not know where he was.

MR. DAVENPORT:

Q. As I understand you, his father was working on the railroad at Fort Scott, Kansas in 1880? A. I would not say that it

was that year, but he did work up there.

Q. How long did his father stay up in Kansas, first and last? A. I couldn't tell you that.

Q. Do you know what road he was working on? A. On the Gulf road right there in Fort Scott.

Q. Did he live in Fort Scott, or near there? A. He didn't live there.

Q. Where was his wife while he was working on the road? A. She was up there with him.

Q. Where was the boy at that time? A. He was with them.

COMMISSION:

Q. Did the parents of Henry Vann ever live in Cooweescoowee District? A. Not that I know of, but they lived in Sequoyah, down by Fort Smith.

WITNESS EXCUSED.

Sank Vann, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Sank Vann.
Q. Where do you live? A. Fort Gibson.
Q. How old are you? A. 54.

MR. OWEN:

Q. Do you know Henry Vann? A. Yes sir.
Q. What was his father's name? A. Mose Vann.
Q. Did he go by any other name? A. No sir.
Q. Where did he live? A. In Fort Gibson and Kansas.
Q. Did he ever live in Cooweescoowee District? A. No sir, never did.
Q. Do you know whether Henry Vann, here, was ever enrolled on the '80 roll? A. I understood that he was on the Wallace Roll
Q. Do you know where he was when the '80 roll was made? A. No sir, I don't. He mostly makes his home in the penitentiary
Q. Was his father on any of the rolls? A. I think he was on the Wallace Roll.
Q. Do you know where he was in 1880? A. He was in Kansas working on the Gulf road.
Q. Was Henry there with him? A. I don't know.
Q. Do you know how old Henry is? A. About 33 or 34.

MR. DAVENPORT:

Q. He lived with his father and mother in Kansas while his father worked on the railroad? A. I suppose he did.

COMMISSION:

Q. When Moses Vann was working on the railroad did he keep a home at Fort Gibson? A. Yes sir.
Q. Did his wife go with him to Kansas? A. Part of the time she was in Kansas and part of the time at Fort Gibson.
Q. This boy, from the time he was born until he was about 14 or 15 years old, lived with his father and mother? A. Yes sir
Q. He has been in the penitentiary just twice? A. That is all that I know of.

Q. Was he ever in a reform school? A. No sir.

WITNESS EXCUSED.

This case will be held open until March 20, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 13th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 23rd. day of March, 1905.

Myron White.
Notary Public.

[illegible]

G H L

Cherokee Freedman 1155.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of HENRY VANN as a Cherokee freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Henry Vann as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 6 and March 13, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Henry Vann, claims the right to enrollment as a Cherokee freedman, but ample opportunity having been afforded, it is not shown by satisfactory evidence that the said Henry Vann is a descendant of a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the Rebellion.

It appears from the records in the possession of this office that the name of one Henry Vann appears upon the Cherokee authenticated tribal roll of 1880, Coowescoowee District No.3159, but it is not shown by satisfactory evidence that the applicant herein is identical with the Henry Vann whose name appears upon the 1880 roll.

In view of the foregoing it is considered by this office that the applicant herein is not entitled to enrollment as a Cherokee freedman.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), Henry Vann is not entitled to enrollment as a Cherokee freedman, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB [illegible] 1906.

COPY.

Cherokee Freedmen

D-1155.

Muskogee, Indian Territory, March 25, 1905.

Thomas H. Owen,

Attorney for Henry Vann,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on March 13, 1905, in the matter of the application for the enrollment of Henry Vann as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-78.

Cherokee F.
D 1155

Muskogee, Indian Territory, February 28, 1907.

Margaret Sanders,

Melvin, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Henry Vann as a Cherokee freedman. Your attorney, Thomas H. Owens, Muskogee, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby,

Enel.H-17
JMH

Commissioner.

Cherokee F.
D 1155

Muskogee, Indian Territory, February 28, 1907.

Thomas H. Gwen,

Attorney for Henry Vann,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Henry Vann as a Cherokee freedman. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.H-18
JMH

Commissioner.

Cherokee F.
D 1155

COPY

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Henry Vann as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Clans C. ...
Commissioner.

Encl.H-18 1/2
JMH

COPY

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Henry Vann, as a Cherokee freedman, together with the decision of the Commissioner, dated February 28, 1907, denying said application.

Respectfully,

Commissioner.

Encl.C-141
LMC

Through the Commissioner
of Indian Affairs.

D.C.3266
I. T. D.
7938,7950,7952,
7958,7962,7964,
all 1907.
LRS DIRECT.

W.H.W.

COPY

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4,1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has this day affirmed your decisions, adverse to the applicants, received with your letters of February 28, 1907, in the following-named Cherokee citizenship cases:

Rosa Phillips, et al., (freedmen)
Marie Carey Rogers, (by blood)
Ellen Payne, et al., (freedmen)
Earl Nave, (freedman)
Henry Vann, (freedman)
Alfred Bell, et al. (freedmen).

Copies of your letters and all the papers in the above mentioned cases have been sent to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

12 enclosures and copy
hereof to Indian Office.
WC 3-5-07

Cherokee F.
D 1155.

Muskogee, Indian Territory, March 20, 1907.

Margaret Sanders,

Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Henry Vann, as a Cherokee freedman was affirmed by the Department March 4, 1907.

Respectfully,

HJC

Commissioner.

Cherokee F
D 1155.

Muskogee, Indian Territory, March 20, 1907.

Thomas H. Owen,

Attorney for Henry Vann,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Henry Vann, as a Cherokee freedman was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.HJ-6.
HJC

Cherokee F
D 1155.

COPY

Muskogee, Indian Territory, March 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Henry Vann, as a Cherokee freedman, was affirmed by the Department March 4, 1907.

For your information there is enclosedherewith a copy of Departmental decision referred to.

Respectfully,

Encl.EJ-7.
EJC

SIGNED *Tams Bixby.*
Commissioner.

Cher. Fr. R 1104

Cher. Fr. R 1104

Trans. from Cher. Fr. D 1156

DEPARTMENT OF THE
COMMISSION TO THE
FI
JUL 18 1902

ACTING CHAIRMAN

R
Cher P D 1156

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

**Sissie Vann, page 126, # 3141, Cooweescoowee District;
Also on Wallace roll, page 18, # 388, Cooweescoowee District;**

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 17 day of July, 1902.

Notary Public.

[illegible] Freedmen 2 1166

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

-o-

ORDER.

-o-

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Jennet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as [redacted]

The application made on June 30, 190[illegible], in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 190[illegible], the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee land offices opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the general Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names appeared on said applications were living on September 1, 190[illegible], and if so, whether or not they were entitled to [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Sissie Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Sissie Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher.Fr.R 1105

Cher.Fr.R 1105

Trans. from Cher.Fr.D 1157

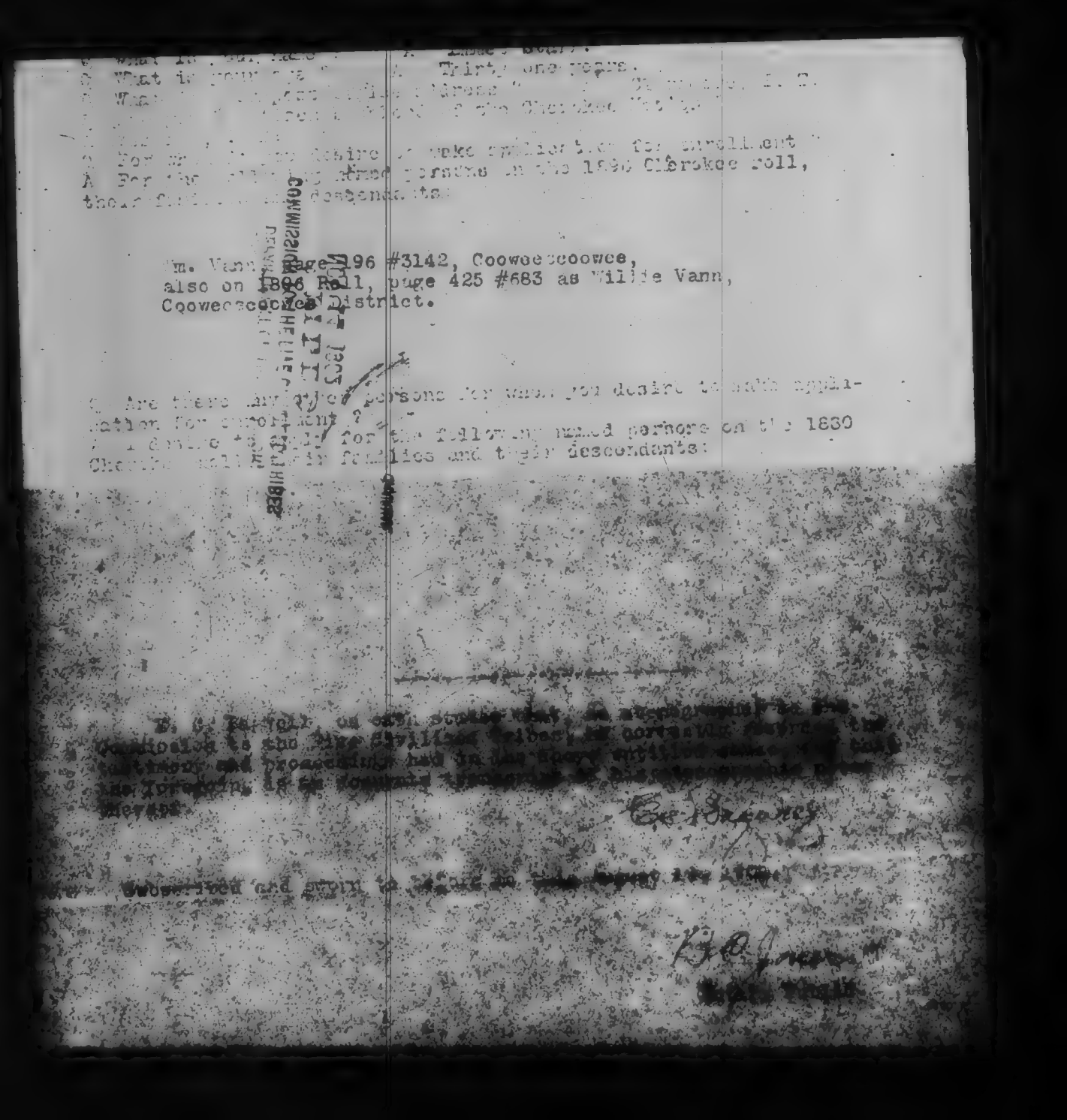
A. Thirty one years.

A. For the purpose of making application for enrollment of the following named persons on the 1896 Cherokee roll, and their descendants:

Wm. Vann, Page 196 #3142, Coowescoowee,
also on 1896 Roll, page 425 #683 as Willie Vann,
Coowescoowee District.

Q. Are there any other persons for whom you desire to make application for enrollment?

A. I desire to make application for the following named persons on the 1880 Cherokee roll, and their families and their descendants:



R
Cher F. D. 1157

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Wm. Vann, page 196 #3142, Cooweescoowee,
also on 1896 Roll, page 425 #683 as Willie Vann,
Cooweescoowee District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

B C Jones
Notary Public.

Cherokee Freedmen # 2567

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Wm. Vann as a citizen of the Cherokee Nation.

--o--

O R D E R .

--o--

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of
Wm. Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Wm. Vann is identified on the Cherokee ~~authenticated~~ roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons, whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee land office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Wm. Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of [redacted] as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher. Fr. R 1106

Cher Fr. R 1106

Trans. from Cher. Fr. D 1106

Q What is your name ?
A Ammet Bell.
Q What is your age ? Thirty one years.
Q What is your post offi[illegible] address ? Chewemore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Ed Vann, page 196 #3143 Coowescoowee District.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 17 1900
FILED

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

R
Cher F. D. 1158

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Ed Vann, page 196 #3143 Cooweescoowee District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 18, 1902.

B R Jones
Notary Public.

Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

RECEIVED
JUL 18 1905
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

R
Cher 7 D 1158

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES GILBERT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Twenty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Ed. Vann, page 196, # 3158, Tennessee District;

I, C. Bagwell, [illegible] was duly appointed by the Commission to [illegible] testimony and [illegible] the foregoing [illegible] three?

Subscribed and sworn to before me this [illegible]

Cherokee Freedman D 1158

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ed Vann as a citizen of the Cherokee Nation.

--o--

O R D E R .

--o--

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ed Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Ed Vann is identified on the Cherokee ~~authenticated~~ roll of 1880 as a ~~Cherokee Freedman~~.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons, whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee land office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Ed Vann on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ed Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R -1107

Cher. Fr. R 1107

Trans. from Cher. Fr. D 1159

First [illegible] being duly sworn [illegible] the Commission,

[illegible]

[illegible] Dawes

[illegible] Third

[illegible] children

[illegible] of the [illegible]

[illegible]

[illegible] will

[illegible] will

[illegible] documents:

[illegible]mmerat Shire, page 198 #3191. Coowescoowee District.

RECEIVED
AUG 18 1902
INDIAN TERRITORY

Q Are there any other persons for whom you desire to make application for enrollment?

A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, C. A. Bagwell, on oath states that I, as stenographer to the Commission to the Five Civilized Tribes, do correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of the stenographic notes thereof.

C. A. Bagwell

Subscribed and sworn to before me this August 18, 1902.

T. B. Jones

Notary Public.

R
Cher F. D. 1159

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Margaret Whitmire, page 198 #3191, Cooweescoowee District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

B C Jones
Notary Public.

In the matter of the application for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

RECEIVED JAN 18 1905 COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

R
Cher. F D 1180

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ELBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Elbert Starr.
Q What is your age? A Thirty-one years.
Q What is your post office address? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Margaret Whitmire, page 198, # 3171, Delawaretown District;

I, C, Bagwell, an oath clerk that is employed by the Commission to the Five Civilized Tribes, do certify that the foregoing is an accurate transcript of the stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

Cherokee Freedman D 1180

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Margaret Whitmire as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Margaret Whitmire as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Margaret Whitmire is identified on the Cherokee authenticated roll of 1880 as a Cherokee Freedman

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Margaret Whitmire on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Margaret Whitmire as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1108

Cher. Fr. R 1108

Trans. from Cher. Fr. D 1160

Q What is your age? A Thirty one years.
Q What is your post office address ? A Clarenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 18 1901

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

R
Cher F D 1160

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jack Whitmire, page 199, # 3219, Coowescoowee District;
Also on Wallace roll, page 19, # 409, Coowescoowee District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 17 day of July, 1902.

Notary Public.

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by Blood of the Cherokee Nation ?
A. Yes Sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Jack Whitmire, page 199 #3219, Cooweescoowee District,
also on Wallace Roll, page 19 #409 Cooweescoowee District.

[illegible]

R
Cher F. D. 1160

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Jack Whitmire, page 199 #5219, Cooweescoowee District,
also on Wallace Roll, page 19 #409 Cooweescoowee District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 16, 1902.

B. O. Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jack Whitmire as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names are found upon the Cherokee Rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Jack Whitmire on September 1, 1903.

IT IS THEREFORE ORDERED: that the application for the enrollment of Jack Whitmire as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1109

Cher. Fr. R 1109

Trans. from Cher. Fr. D 1162

testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Harriet Trimmer, page 212 #3521, Coowescoowee District.

[redacted]

R
Over F. D. 1162

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., [illegible], 1902.

In the matter of the application of [illegible], ET AL., for enrollment as citizens of the Cherokee Nation:

[illegible], being duly sworn and examined by the Commission testified as follows:

Q What is your name? A [illegible].
Q What is your age? A [illegible] years.
Q What is your post office address? A Chewsmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Harriet Whitmire, page 212 #3521, Ceoweesceowee District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

Subscribed and sworn to before me this date, [illegible].

[illegible]
[illegible].



Cher. F D 1268

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission testified as follows:

Q. What is your name ? A Ernest Starr.
Q. What is your age ? A Thirty one years.
Q. What is your post office address ? A Claremore, I. T.
Q. Are you a citizen by blood of the Cherokee Nation ?
A. Yes sir, I am.
Q. For whom do you desire to make application for enrollment as citizens of the Cherokee Nation ?
A. For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q. Are there any other persons for whom you desire to make application for enrollment ?
A. I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Harriet Whitmire, page 218, # 2221, Sequoyah District;

E. C. Ingrell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E Ingrell

Subscribed and sworn to before me this 21 day of June, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Harriet Whitmire as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Burnet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Whitmire is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names are found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether of not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers of general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Harriet Whitmire on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Harriet Whitmire as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 21 1905

Cher. Fr. R 1110

Cher. Fr. R 1110

Trans. from Cher. Fr. D 1163

R
Cher P D 1163

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Levi Whitmire, page 218, # 3832, Seewessesewee District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1 day of July 1902.

[signature]

for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Levi Whitmire, page 212 #3522, Cooweescoowee District.

[redacted]

R
Chas F. D. 1163.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

MOSEY STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Mosey Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Levi Whitmire, page 212 #3522, Coowescoowee District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted] as stenographer to the Commission to the Five Civilized Tribes, do correctly record the testimony and proceedings had in the above entitled cause, and that the foregoing is a correct transcript of my stenographic notes thereof.

C. E. Bagwell.

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

Cherokee Freedman 3 1166

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Levi Whitmire as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Levi Whitmire as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Levi Whitmire is identified on the Cherokee [illegible] roll of [illegible] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Levi Whitmire on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Levi Whitmire as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher.Fr.R 1111

Cher.Fr.R 1111

Trans. from Cher. Fr.D 1164

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore I. T
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

R
Cher F D 1164

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Marshall Whitmire, page [illegible], # [illegible], Tomotoeowee District;

E. C. Bagwell, on oath states that he is Stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of all stenographic notes thereof.

Subscribed and sworn to before me this 1st day of July, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Marshall Whitmire as a citizen of the Cherokee Nation.

ORDER.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Marshall Whitmire as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Marshall Whitmire is identified on the Cherokee authenticated roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1904, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 21, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Marshall Whitmire on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Marshall Whitmire as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1112

Trans. from Cher. Fr. D 1165

Cher. Fr. R 1112

Q What is your post office address ? A Stilwell, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Q What other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 [illegible] families and descendants

COMMISSION
DEC 13 1902

James Buffington, post Ed. Ark. Delaware District
Also Ex Vallard, full Cher. Ed. Delaware District

Cher F D 1165

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

James Buffington, page 231, # 382, Delaware District;
Also on Wallace roll, page 26, # 541, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 18 day of July, 1902.

Notary Public.

[redacted])

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

James Buffington as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized [redacted] and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that could enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed in information has been obtained tending to show the status of James Buffington on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of James Buffington as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher.Fr. R 1113

Cher.Fr. R 1113

Trans. from Cher.Fr.D 1166

Are you a citizen by blood of the Cherokee Nation ?

A Yes sir, I am.

Q For whom do you desire to make application for enrollment?

A For the following named persons on the Miller Morgan roll and their families and descendants:

I desire to make application for the following named persons on the Miller Morgan roll, their families and their descendants:

Willie Buffington, page 231, # 385, Delaware District;
Also on Wallace roll, page 25, # 542, as Wm. Buffington, Delaware District.

I, [illegible], do solemnly swear that, as interpreter to the Commission to the Five Civilized Tribes, I correctly interpreted the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of said testimony, to the best of my knowledge and belief.

Subscribed and sworn to before me this [illegible]

Char. F D 1166

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their dascendants:

Willie Buffington, page 231, # 383, Delaware District;
Also on Wallace roll, page 25, # 542, as Wm. Buffington, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 18 day of July, 1902.

Notary Public.

[redacted] Freedman 3 [redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Willie Buffington as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized [redacted] and made application for the enrollment of [redacted] Buffington as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Willie Buffington is identified on the Cherokee [redacted] authenticated roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Willie Buffington on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Willie Buffington as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1114

Cher. Fr. R 1114

Trans. from Cher. Fr. D 1167

Q Are you a citizen by blood of the Cherokee Nation ?

Pola Bean, page 231, # 397, Delaware District;
Note: "Thought to be Rose Bean, wife of Isaac, and mother of Margaret. Rose is dead"
Also on Wallace roll, Page 26, #364, Delaware District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ___ day of _____, 19__.

_____
Notary Public.

Cher F. B 1167

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Pola Bean, page 231, # 267, Delaware District;
Note: "thought to be Roda Bean, wife of Isaac, and mother of Margaret. Roda is dead".
Also on Wallace roll, page 26, # 564, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 18 day of July, 1902.

Notary Public.

[redacted] R 1369

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Pola Bean as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Pola Bean as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Pola Bean is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Pola Beam on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Pola Beam as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1115

Cher. Fr. R 1115

Trans. from Cher. Fr. D 1168

Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Margaret Bean, page 231, #397, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is a true and accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17 day of [illegible] 1901.

[illegible]
Notary Public.

Cher P D 1168

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Margaret Bean, page 231, # 397, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 18 day of July, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Margaret Bean as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized [redacted] and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Bean is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Margaret Bean on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Margaret Bean as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1116

Cher. Fr. R 1116

Trans. from Cher. Fr. D 1169

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Johnson, [illegible], Flint District, [illegible].

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of July, 1902.

D S Lipsey

[redacted] Freedman 3 1149

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

John Johnson as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Johnson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said John Johnson is identified on the Cherokee authenticated roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of John Johnson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of John Johnson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1117

Cher. Fr. R 1117

Trans. from Cher. Fr. D 1171

R
Cher F D 1171

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of James Bunkley, et al., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons as the lawful Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Edward Alberty, page 490, # 1, Illinois District;
Also on Wallace roll, page 48, # 965, Illinois District;

K. S. Bagwell, [illegible] that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had [illegible] and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 4th day of August, 1902.

[illegible]

G.H.L. Cherokee F. D 1171.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of EDWARD ALBERTY as a Cherokee freedman.

O R D E R

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmett Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Edward Alberty as a Cherokee freedman.

Since the application was received for the enrollment of said Edward Alberty as a Cherokee freedman, the Commission and the Commissioner to the Five Civilized Tribes have diligently sought information which would enable them to determine whether or not said applicant was living September 1, 1902, and if so, whether or not he was entitled to enrollment on that date. No information has been secured tending to show the status of said Edward Alberty on September 1, 1902.

IT IS, THEREFORE, ORDERED: That the application for the enrollment of Edward Alberty as a Cherokee freedman be, and the same is, hereby, dismissed.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 28 1907

Cher.Fr.R 1118

Cher.Fr.R 1118

Trans. from Cher.Fr.D 1172

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BENNETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of the stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1st day of August, 1902.

[redacted]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Blackburn et al., as Cherokee Freedmen, consolidating the applications of--

Willie Blackburn,	Cherokee Freedmen D-1172,
Frank Blackburn,	Cherokee Freedman D-1173,
Sarah Logan (nee Blackburn)	Cherokee Freedmen D-1174.

--:--

D E C I S I O N.

The record herein shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made applications for the enrollment of Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, as Cherokee Freedmen.

The record further shows that the applicants, Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, at Numbers 4278, 4279 and 4286, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that

the applications for the enrollment of Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1905

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 21, 1901.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The Cherokee Enrollment Division,

The Commission to the Five Civilized Tribes,

Tahlequah, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of November 18th, 1901, asking to be advised whether Edward, Willie, Frank and Sarah Blackburn have ever been applicants before the Commission for enrollment as citizens of the Creek Nation.

In reply you are advised that Willie and Frank Blackburn, with their mother, Pricilla Blackburn, and their two sisters, Charity and Josephine Blackburn, and Carrie Vann, their grand niece, are listed for enrollment on Creed Freedman Card #1205; Sarah Blackburn is listed for enrollment on Creek Freedman Card #1207 under the name of Sarah Shoto.

You are further advised that the following names appear on page 13 of the 1890 authenticated roll of the Creek Nation, Arkansas Town:-

Pressie Blackburn
Frank "
Willie "
Sarah "
Chattie "
Jessie "
Johnny "

and upon the 1895 authenticated roll of the Creek Nation: -

Pressey Blackburn		#173
Johnnie Williams		#174
Willie Blackburn		#175
Frank	"	#176
Sarah	"	#177
Charity	"	#178
Josephine	"	#179

You are also advised that Edward Blackburn, deceased, a Cherokee Freedman, is the father of Willie, Frank, Charity and Josephine Blackburn, and Sarah Shoto, and Pricilla Blackburn is their mother.

Yours truly,

Acting Chairmen.

Cher. D-1172.

Muskogee, Indian Territory, November 11, 1902.

The Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are desired to advise the Cherokee Enrollment Division of this Commission whether or not the enrollment of Frank and Willie Blackburn, on Creek Freedman card 1206, and Sarah Shote, on Creek Freedman card 1207, has been approved by the Secretary of the Interior, and if so, under what date.

Respectfully,

Acting Chairman.

Cherokee Freedmen
D-1172

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Willie Blackburn, as a Cherokee freedman. The records further show that said Willie Blackburn is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a Freedman or by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby.

Chairman.

J.J.B.

(C O P Y)

Creek F-1205

Muskogee, Indian Territory, November 22, 1904

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D 1172 and your letter of November 21, you are advised that the name of Willie Blackburn is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, No. 4278.

Respectfully,

(Signed) Tams Bixby
Chairman

(C O P Y)

Muskogee, Indian Territory, February 14, 1905

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

General Office.

Gentlemen:

Your file No. C.F.D. 1172-1173, Creek F. 1205. The records of the Creek Allotment Division show that selections of land in the Creek Nation for Willie Blackburn and Frank Blackburn, Creek Freedman Roll No. 4278 and 4279, respectively were made on their behalf by their mother, Priscilla Blackburn.

Respectfully,

(SIGNED) TAMS BIXBY
Chairman

COPY.

(2:1173-4.)

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-148

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D 1172.

Muskogee, Indian Territory, May 13, 1905.

Willie Blackburn,

Inola, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Incl. S-145
Register

COPY.

Cherokee Freedmen
D-1178, et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Willie Blackburn, et al., including the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie and Frank Blackburn and Sarah Shote as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-149

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
37644-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, trasmitting the consolidated applications for enrollment as Cherokee Freedmen by Willie and Frank Blackburn and Sarah Logan, born Blackburn.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that the applicants, Willie Blackburn, Frank Blackburn and Sarah Logan, born Blackburn, are included in a partial roll of Creek Freedmen approved by the Department March 28, 1902, at Nos. 4278, 4279 and 4286 respectively, and that they have accepted allotments of land in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D. C. 28681-1905.
I.T.D. 6224-1905.
L.R.S.

W.C.F.
Y.P.
FHR.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. June 5, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 13, 1905, you transmitted the record in the matter of the applications for the enrollment of Willis and Frank Blackburn and Sarah Logan, formerly Blackburn, as Cherokee freedmen, including your decision of the same date, rejecting said applications.

Reporting May 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-1172.

Muskogee, Indian Territory, June 26, 1905.

Willie Blackburn,

Inola, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, June 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, June 26, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

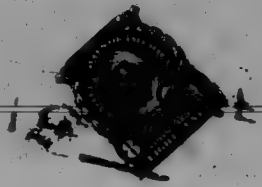
You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





Willie Blackburn,

Inola, Indian Territory.

Cher.Fr.R 1119

Cher.Fr.R 1119

Trans. from Cher.Fr.D 1173

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Illinois District;
Note: "On Greek Freedmen Card # [illegible]".
Also on Wallace Roll, page [illegible], # [illegible], Illinois District;
Note: "On Greek Freedmen Card # [illegible]".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Blackburn et al., as Cherokee Freedmen, consolidating the applications of--

Willie Blackburn,	Cherokee Freedmen D-1172,
Frank Blackburn,	Cherokee Freedman D-1173,
Sarah Logan (nee Blackburn)	Cherokee Freedmen D-1174.

--:--

D E C I S I O N.

The record herein shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made applications for the enrollment of Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, as Cherokee Freedmen.

The record further shows that the applicants, Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, at Numbers 4278, 4279 and 4286, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that

the applications for the enrollment of Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, as Cherokee Freedmen should be denied, under the provisions of section twenty-seed of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 12 1905

COPY.

Creek D 1205.

Muskogee, Indian Territory, February 13, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that Willie, Frank, Charity and Josephine Blackburn, aged respectively 25, 23, 17 and 15, and Carrie Vann, aged 8 months, are regularly enrolled on Creek Freedman Card Field No. 1205; that selections of land have been made for them in the Creek Nation, and that their names are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 28, 1902.

It appears from the records of the Creek Enrollment Division that Willie, Frank, Charity and Josephine Blackburn are the children of Edward Blackburn, deceased, a Cherokee freedman, and Priscilla Blackburn, a Creek freedman; that Sam Vann, a Cherokee freedman, is the father of said Carrie Vann, and that said Charity Blackburn is her mother.

Respectfully,

Tams Bixby,

Acting Chairman.

Cherokee Freedmen
D-1173

Muskogee, Indian Territory, November 21,1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Frank Blackburn, as a Cherokee freedman. The records further show that said Frank Blackburn is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a Freedman or by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby.
Chairman.

J.J.B.

(C O P Y)

Creek F. 1205

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D. 1173 and your letter of November 21, you are advised that the name of Frank Blackburn is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, No. 4279.

Respectfully,

(Signed) Tams Bixby
Chairman.

J.J.B.

(C O P Y)

Creek F. 1205

Muskogee, Indian Territory, November 22, 1904

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee F 1173 and your letter of November 21, you are advised that the name of Frank Blackburn is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, No. 4279.

Respectfully,

(Signed) Tams Bixby
Chairman.

C.T.D. 1178-1905.
Creek F. 1205

Muskogee, Indian Territory, February 11, 1905

Commission to the Five Civilized Tribes,
Creek Department,
Muskogee, Indian Territory.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Willie Blackburn and one Frank Blackburn, whose names appear upon a partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, Nos. 4278 and 4279, respectively, have, either in person or by attorney, selected and filed upon their allotments of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

Chairman.

(C O P Y)

Muskogee, Indian Territory, February 14, 1905

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
General Office.

Gentlemen:

Your file No. C.F.D. 1172-1173, Creek F. 1205. The records of the Creek Allotment Division show that selections of land in the Creek Nation for Willie Blackburn and Frank Blackburn, Creek Freedman Roll No. 4278 and 4279, respectively were made on their behalf by their mother, Priscilla Blackburn.

Respectfully,

(SIGNED) TAMS BIXBY
Chairman

COPY.

Cherokee Freedmen

D 1173.

Muskogee, Indian Territory, May 13, 1905.

Frank Blackburn,

Inola, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Incl, S-146
Register

COPY.

Cherokee Freedmen
Dawes, et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Willie Blackburn, et al., including the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie and Frank Blackburn and Sarah Shote as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incls. Sel62

Through the

Commissioner of Indian Affairs.

Copy.

Cherokee Freedmen
D-1172, et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. S-148

Refer in reply
to the following:
Land.
37644-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the consolidated applications for enrollment as Cherokee Freedmen by Willie and Frank Blackburn and Sarah Logan, born Blackburn.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that the applicants, Willie Blackburn, Frank Blackburn and Sarah Logan, born Blackburn, are included in a partial roll of Creek Freedmen approved by the Department March 28, 1902, at Nos. 4278, 4279 and 4286 respectively, and that they have accepted allotments of land in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D. C. 28681-1905.
I.T.D. 6824-1905.
L.R.S.

W.C.F.
Y.P.
FHK.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 5, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 13, 1905, you transmitted the record in the matter of the applications for the enrollment of Willie and Frank Blackburn and Sarah Logan, formerly Blackburn, as Cherokee freedmen, including your decision of the same date, rejecting said applications.

Reporting May 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-1173.

Muskogee, Indian Territory, June 26, 1906.

Frank Blackburn,

Inola, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated May 13, 1906, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

SIGNED. Tams Bixby,
Chairman.

COPY.

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, June 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, June 26, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Cher. Fr. R 1120

Cher. Fr. R 1120

Trans. from Cher. Fr. D 1114

R
Char [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Blackburn et al., as Cherokee Freedmen, consolidating the applications of--

Willie Blackburn,	Cherokee Freedmen D-1172,
Frank Blackburn,	Cherokee Freedmen D-1173,
Sarah Logan (nee Blackburn),	Cherokee Freedmen D-1174.

--:--

D E C I S I O N.

The record herein shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made applications for the enrollment of Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, as Cherokee Freedmen.

The record further shows that the applicants, Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, at Numbers 4278, 4279 and 4286, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that

the applications for the enrollment of Willie Blackburn, Frank Blackburn and Sarah Logan, nee Blackburn, as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this MAY 17 1905

Cherokee F.D.1172
Cherokee F.D.1173
Cherokee F.D.1174.

Vinita, Indian Territory, February 19, 1903.

Commission to the Five Civilized Tribes,
(Creek Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of February 13, advising that Willie, Frank, Charity and Josephine Blackburn, aged respectively 25, 23, 17 and 15, and Carrie Vann, aged 8 months, have been regularly enrolled as Creek Freedmen and their enrollment approved by the Secretary of the Interior.

Willie and Frank Blackburn, are identified upon the 1880 authenticated roll of citizens of the Cherokee Nation as Cherokee Freedmen. No application has ever been made for their enrollment, but on July 1, 1902, they were listed from information upon a doubtful Cherokee Freedman card. There also appears on said roll with the two persons above named, one Sarah Blackburn, aged at this time 24 years. This person has also from information been listed upon a doubtful Cherokee Freedman card, Cherokee F. D.1174, and information received is to the effect that her present name is Sarah

Logan.

I request that this office be advised if any application has ever been made for the enrollment of Sarah Logan or Sarah Blackburn as a Creek Freedman, and if so, the present status of her application.

Respectfully,

Clerk in Charge.

JP

J.845

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek F 1207.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 24, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

February 13, 1903, you were advised that Sarah Shoto, aged 20, and her minor child, Clarence V. Shoto, aged 5 months, were regularly enrolled on Creek Freedman Card Field No. 1207; that selections of land had been made for them in the Creek Nation; that their names were included in the partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902; that it appeared from the records of the Creek Enrollment Division that said Sarah Shoto was the daughter of Ed Blackburn, a Cherokee freedman, and Priscilla Blackburn, a Creek freedman, and that Eli Shoto, a Cherokee freedman, was the father of said Clarence V. Shoto.

The Commission is now in receipt of your letter of February 19, 1903, in which it is stated that one, Sarah Blackburn, appears upon the 1880 authenticated roll of citizens of the Cherokee Nation; that she had been listed from information upon a doubtful Cherokee freedman card (Cherokee F.D.1174), and that information had been received to the effect that her present name is Sarah Logan.

You request to be advised if any application has ever been made for the enrollment of Sarah Logan or Sarah Blackburn, and if so, as to the present status of her application.

You are now advised that Sarah Shoto is identified on the 1890 authenticated and 1895 Pay Rolls of the Creek Nation under the name of Sarah Blackburn, and that her name appears on said rolls with Willie and Frank Blackburn. No application appears to have been made for the enrollment of Sarah Logan or Sarah Blackburn as a Creek freedman.

Reference is made to Cherokee F.D.1174.

Respectfully,

Chairman.

Cherokee Freedmen
D-1174.

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Sarah Blackburn, as a Cherokee freedman. The records further show that said Sarah Blackburn is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman, or by blood, and if her name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that her number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby.

Chairman.

J.J.B.

(C O P Y)

Creek F-1207

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D. 1174 and your letter of November 21, you are advised that the name of Sarah Shoto, age 20 in 1898, daughter of Ed. Blackburn, a Cherokee Freedman and Priscilla Blackburn, a Creek Freedman, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 23, 1902, No. 4286.

Respectfully,

(Signed) Tams Bixby
Chairman

J.J.B.

(C O P Y)

Creek F-1207

Muskogee, Indian Territory, November 22, 1904

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D. 1174 and your letter of November 21, you are advised that the name of Sarah Shoto, age 20 in 1898, daughter of Ed. Blackburn, a Cherokee Freedman and Priscilla Blackburn, a Creek Freedman, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, No. 4286.

Respectfully,

(Signed) Tams Bixby
Chairman

C.F.D. 1174
Creek F, 1207

Muskogee, Indian Territory, February 11, 1908.

Commission to the Five Civilized Tribes,

Creek Department,

Muskogee, Indian Territory.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Sarah Shote, nee Blackburn, whose name appears upon a partial list of Creek freedmen approved by the Secretary of the Interior, March 26, 1908, No. 4286, has, either in person or by attorney, selected and filed upon her allotment of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

Chairman

(C O P Y)

Muskogee, Indian Territory, February 14, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
General Office.

Gentlemen:

Your File No. C.F.D. 1174, Creek F. 1207. The records of the Creek Allotment Division show that an allotment of land in the Creek Nation was personally selected by Sarah Shoto, Creek Freedman Roll No. 4286.

Respectfully,

(SIGNED) TAMS BIXBY
Chairman

COPY.

Cherokee Freedmen

D 1174.

Muskogee, Indian Territory, May 13, 1905.

Sarah Shoto,

Inola, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-147
Register

COPY.

Cherokee Freedmen
D-1172, et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Willie Blackburn, et al., including the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie and Frank Blackburn and Sarah Shote as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Inel. S-149

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Incl. S-148

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
37644-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the consolidated applications for enrollment as Cherokee Freedmen by Willie and Frank Blackburn and Sarah Logan, born Blackburn.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that the applicants, Willie Blackburn, Frank Blackburn and Sarah Logan, born Blackburn, are included in a partial roll of Creek Freedmen approved by the Department March 28, 1902, at Nos. 4278, 4279 and 4286 respectively, and that they have accepted allotments of land in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D. C. 22653-1905.
I.T.D. 6224-1905.
L.R.S.

W.C.P.
I.P.
FHL

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 5, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 13, 1905, you transmitted the record in the matter of the applications for the enrollment of Willie and Frank Blackburn and Sarah Logan, formerly Blackburn, as Cherokee freedmen, including your decision of the same date, rejecting said applications.

Reporting May 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-1378, et al,

Muskogee, Indian Territory, June 24, 1908.

Bell, Hastings & Barrimore,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated May 12, 1908, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 5, 1908.

Respectfully,

SIGNED. Tams Bixby,

COPY.

Cherokee Freedmen

D-1172, et al.

Muskogee, Indian Territory, June 26, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Willie Blackburn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-1174.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

Sarah Logan,

Inola, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
JUN 26
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Sarah Logan,

Inola, Indian Territory.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jack Hammer, page 208, # 59, Illinois District;
Also on Wallace roll, page 45, # 322, Illinois District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

RECEIVED
FEB - 8 1905
COMMISSION TO THE FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 7, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACK BREWER.

SENIA BREWER, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is yourname? A Senia Brewer.
Q How old are you? A I guess I am way in 6 0 may be 70.
Q Did you have a child by the name of Jack Brewer or John Brewer?
A Yes sir.
Q What is your post office address? A Muskogee.
Q What other names did he go by ? A He went by Jack Brewer and Jack Foster.
Q His real name then was Jack Foster? A Yes sir.
Q How old would Jack Foster be if he was living today? A I think about 35.
Q Do you know when he was born? A He was born just at the end of peace.
Q He was born just after peace was declared? A Yes sir.
Q When did you last see him? A In Fort Gibson.
Q Do you know how long ago that has been? A It has been about 20 years.
Q Do you know where he died? A He died in the penitentiary.
Q I will ask you to look at this photograph I hand you, which will be made a part of the record and marked Exhibit "A", and tell me of whom that is a photograph? A It looks like Jack, high cheek bones.
Q Are you willing to swear under oath that that is your son Jack?
A Yes sir.
Q That is him is it? A Yes sir.
Q You are certain about that? A Yes sir.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 8th day of February, 1906.

Charles N. Sawyer
Notary Public.

FILED
MAR 8 1905
COMMISSION TO FIVE TRIBES.

C.D. 1179

Cherokee Freedman-D-1175.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 8, 1905.

In the matter of the application for the enrollment of Jack Brewer as a Cherokee Freedman.

APPEARANCES:

Representatives of the applicant represented by I.P. Bledsoe.

COMMISSION.

Senia Brewer, being duly sworn, testified as follows:

Q. What is your name? A. Senia Brewer.
Q. How old are you? A. About 66.
Q. What is your post office address? A. Muskogee, Indian Territory.
Q. Are you the mother of Jack Brewer? A. Yes sir.
Q. Was Jack Brewer sent to the penitentiary? A. Yes sir.
Q. Where from? A. From Kansas, I believe.
Q. About how long ago since he was sent up? A. To Fort Leavenworth?
Q. Yes, how long ago? A. I heard it was two or three years ago.
Q. You do not know when he was sent up? A. No sir.
Q. Have you seen him since he was sent up? A. No sir, I haven't seed him.
Q. For how long a term was he sent up? A. I heard it was for six years.
Q. Did he have two or one eye? A. He had two eyes when he left home, but a man that come from the penitentiary told me that he seed my son up there, and that one of his eyes was gone, but he had two when he left home. And I seed a picture from the penitentiary, and it was him and he had just one eye.

WITNESS EXCUSED.

Senia Brewer recalled.

Q. You were living in Gibson when Jack Brewer left home? A. Yes sir.
Q. When did you leave Gibson? A. About ten years ago, but he had left home before that.
Q. When he went away where did he go to, if you know? A. He went to his uncle's, to farm, and stayed there about a year and then went to work on the work train on the M. K.& T. railroad, and I haven't seed him since. His uncle, Lester Perryman come and asked me to let him go and help him farm.

Witness excused.

John Porter, being duly sworn, testified as follows:

Q. What is your name? A. John Porter.
Q. What is your post office address? A. Muskogee.
Q. How old are you? A. About 57.
Q. Did you know Jack Brewer? A. Yes sir.
Q. What relation was he to you? A. Brother-in-law.
Q. Did he marry your sister? A. No, I married his sister.
Q. Was Jack Brewer sent to the penitentiary? A. Yes sir, for two years.
Q. From where? A. Wewoka.
Q. By whom was he sent?enced? A. Judge Raymond, I guess.
Q. For how long? A. Two years.
Q. Do you remember the time he was convicted? A. Yes sir.
Q. Were you in court? A. Yes sir, I was a guard.
Q. What name did he give? A. Henry Foster.
Q. Are you positively certain that Henry Foster and Jack Brewer are one and the same man? A. Yes sir.
Q. When did you next see him after you saw him sentenced? A. In Fort Leavenworth. I was sentenced there in September, 1902 myself, and I saw him there.
Q. Do you remember what day of the month it was that you were sentenced? A. Yes sir, I was sentenced on the 16th. or 17th. of 1872 ---18---, I don't remember the year but it was the 16th. or 17th. of October .
Q. What year is this? A. 1905, I guess.
Q. That is a very good guess? A. I don't know the numbers of the years.
Q. Where were you sent up from? A. Eufaula.
Q. You don't know how many years ago that was? A. I have been back here two years.
Q. What was you sentenced for? A. A year and a day.
Q. Did you serve your full term? A. No sir, I was pardoned.
Q. You stated that you were a guard when Henry Foster was convicted? A. Yes sir.
Q. Don't you know that you appeared here a little while ago and said that you did not know where Jack Brewer was sent up from? A. No sir.
Q. Didn't you appear before the Commission within the last two months and state positively that you did not know where Jack Brewer was sent up from? A. No sir, I come here and told that gentleman (Mr. Vance) that I could find out all about where Jack was sent up from. I didn't say that I didn't know and he wont tell you so, either.
Q. Was Jack Brewer living at the time you were sent up to Fort Leavenworth? A. Yes sir.
Q. I want to know, have some certificate, of the time when you were sentenced down at Eufaula? A. If you will let me go away from here a minute I can go over to the court house and get a certificate.

WITNESS EXCUSED.

Nan Porter, being duly sworn, testified as follows:

Q. What is your name? A. Nan Porter.
Q. Did you know Jack Brewer? A. Yes sir.
Q. Did he ever go by any other name? A. He was all sorts of a boy. We used to call him anything. He went by all sorts of names.

Q. Do you know of your own knowledge as to whether Jack Brewer was sentenced to the penitentiary at Fort Leavenworth? A. When we heard from him he was sentenced and in the Leavenworth jail.
Q. When did you hear from him? A. We heard from him all along. He had been away from mother a long time.
Q. Have you any of the letters you got from him? A. No sir.
Q. How did you hear from him? A. Men would come out of the jail and they would tell mother that they had seed her son up there.
Q. Where was he sent up from? A. From this place, Muskogee. That is what made us think he might have been sentenced from Wewoka. Mother let him go off with a man named Luster Foreman and he never did come home no more.
Q. You do not know that Henry Foster and Jack Brewer are the same person? A. He changed his name a good deal.
Q. Can you swear positively that this Jack Brewer and Henry Foster are the same---that Jack Brewer is the same man as Henry Foster, who was sentenced to Fort Leavenworth about three or four years ago? A. No sir, I was small, but that picture we seed favors him.
Q. You do not know whether they are the same man? A. Well, a heap of times when young boys go off from home they changes their names.
Q. Well, do not keep on beating around the bush that way. You do not know that they are the same, do you? A. No sir.
Q. You were not in the court house when Henry Foster was sentenced, were you? A. No sir.
Q. You do not know who that man, Henry Foster, is, do you? A. No sir.
Q. The last time you saw Jack Brewer did he have one or two eyes? A. He had two eyes when he left home.
Q. About how many years ago did you see him? A. It has been a good many years ago.
Q. Was it about ten? Just what is your idea about it. You don't have to swear to any particular number of years? A. A good many years ago is all I can say.
Q. Have you any children? A. Yes sir.
Q. How old is your oldest child? A. About 15 years old.
Q. Was that child born when Jack Brewer left home? A. No sir.

WITNESS EXCUSED.

John Porter recalled.

Q. You were sentenced for a period of one year and one day? A. Yes sir.
Q. To the penitentiary at Fort Leavenworth? A. Yes sir.
Q. And you were transferred from the Muskogee jail after you were sentenced to the penitentiary? A. Yes sir.
Q. And after your arrival, under that sentence, at Fort Leavenworth, Kansas, Jack Brewer was still living? A. Yes sir.
Q. You saw him? A. Yes sir, I saw him in the hospital.
Q. You are positive about that? A. Yes sir.
Q. You can not be mistaken about that? A. No sir.
Q. You did see him after you went to Leavenworth? A. I think I did, sir.
Q. You were sentenced from Eufaula and you were taken from the Muskogee jail to Leavenworth to serve out that sentence, and you saw Jack Brewer when you went up there? A. I think I did.

Q. What was he doing? A. He was sick, in the hospital.
Q. Did you see him? A. I saw a man that looked like him, and they said it was him.
Q. Do you understand the nature of an oath? A. What are you talking about?
Q. Do you know what an oath is? A. You asked me about Jack Brewer and if I seed him, and I said I think I did.
Q. Do not you know that you swore to tell the truth, and here you are making contradictory statements. A. I have not made any. I said I think I saw him.
Q. You know you never saw Jack Brewer in the penitentiary at Fort Leavenworth. In December, 1904 you swore that he died in March, 1902? A. I said I did not know positive.
Q. Didn't you swear a few days ago that he died November 16, 1902 Didn't you swear before the Court, when you went to get those papers, that he died on the 16th. day of November, 1902? A. I said he died between the first and 16th.
Q. Didn't you swear this morning that he died on the 16th. of November, 1902 ---The Marshal says that you were never sent up from Muskogee until November 30, 1902. A. He is just mistaken. I was sentenced from --- I was arrested on the 15 or 16 of June and was sentenced in October at Eufaula.
Q. Where did you go from Eufaula? A. The first of September ---November, I was in the penitentiary. I will go back over there and make him change that for it is wrong.
Q. Dr. Bennett makes a certificate as to the date of your removal? A. I don't care what he says, it is not so.

(Witness excused to have Dr. Bennet make correction in his certificate, but returns, saying that Dr. Bennet says the original certificate is correct.)

WITNESS EXCUSED.

Nan Porter recalled.

Q. How old are you? A. About 37 or 8 years old.
Q. Are you younger than Jack? A. Yes sir.
Q. How much younger? A. Jack is about six or seven years older than me.
Q. Was he very tall? A. He was about as tall as this gentleman (indicating Mr. Vance).

(Witness claims that Jack Brewer was as tall as H. M. Vance and a good deal slimmer. Vance says he is six feet tall.)

Q. Was he very slim? A. Yes sir.
Q. Where was Jack Brewer born? A. In Fort Gibson.
Q. How old was he when he left home? A. I can't tell that.
Q. Was he a fully grown man? A. Yes sir, I guess he was about 20 years old.
Q. Do you think he was over 20? A. I think so.
Q. Before that time he had always lived at home? A. Yes sir.
Q. Did you ever hear of his living in the Seminole Nation or in Oklahoma? A. No sir, I never heard of his living there.
Q. Where did he go when he left home? A. When he left here I don't know where he went.
Q. You stated this morning that he was working on the work train? A. Why, he went off with Uncle Luster to farm, and then he left there and worked on the work train.
Q. When did you last hear about his working on the train? A. I disremember, I can't tell you that. That is how come him to be off to get into this trouble.
Q. You stated that he worked on a work train on the M. K.& T. road? A Yes sir.

Q. When was he last working on that train, that you know of --- that you heard of? A. It has been a long time.
Q. You have no idea? A. It was when he first went off.
Q. How long did he work on the work train? A. I don't know. He went off on the work train.
Q. After working on the work train, you do not know what became of him? A. No sir.
Q. You never heard from him? A. No sir.
Q. He never wrote home? A. No sir.

Witness Excused.

Senia Brewer, being recalled, testified as follows:

Q. Where was your son, Jack Brewer, born? A. Where was he born?
Q. Yes? A. He was born down south, in the Choctaw Nation
Q. How old was he when he came to Fort Gibson with you? A. About a year old.
Q. How long did he stay home with you? A. He stayed there till he was a young man. He wasn't quite 20 though, when he left.
Q. He always lived at Fort Gibson with you up to the time he went off to farm? A. Yes sir.
Q. And then he lived about a year with his uncle on the farm? A. Yes sir.
Q. Where he has lived since then you don't know? A. No sir.
Q. Did he have both eyes when you last saw him? A. Yes sir.
Q. Did you ever hear of his losing one eye? A. No sir, not till a man come from there and told me that he just had one eye, and then I seed in that picture that he never had but one.
Q. That was the first you knew of it, when somebody came from the penitentiary and stated that your son only had one eye? A. Yes sir.
Q. You saw that picture the other day? A. Yes sir.
Q. Don't you know that that man was a short man whose picture you saw the other day? A. I don't know. I just know I seed the picture.
Q. You see this young man--- how much taller was your son than this man (indicating Mr. Bliss) (Mr. Vance and Mr. Bliss stand together)? A. He was as tall as that man (Mr. Vance) He was a good deal taller than this man (Mr. Bliss). He was as tall as that tallest man (Mr. Vance), but he was slim.

(C. F. Bliss and K. M. Vance, both employees of the Commission, stood up in the presence of the witness, and the witness testified that her son, Jack Brewer, was taller than Mr. Bliss and as tall as Mr. Vance. Mr. Vance is six feet, and Mr. Bliss is five feet-eight.)

WITNESS EXCUSED.

It is claimed that Jack Brewer, who is listed on Cherokee Freedmen -B-2178, is identical with one Henry Foster, who died in Fort Leavenworth prison on November 6, 1902.

Jack Brewer-----#6.

Eula Jeanes Brannon, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 8th. day of March, 1906, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Brannon

Subscribed and sworn to before me this the 8th. day of March, 1906

Myron White

Notary Public.

OCT 7 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 26, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACK BREWER as a Cherokee freedman.

APPEARANCES:
For Applicant, I. P. Bledsoe, Agent.
For Cherokee Nation, J. S. Davenport and W. W. Hastings.

LEE RILEY, being first duly sworn, testified as follows:

BY MR. BLEDSOE:

Q What is your name? A Lee Riley.
Q How old are you? A 26 years old.
Q Where do you live? A Down here on South Eighth Avenue.
Q In Muskogee? A Yes sir.
Q Did you know one Jack Brewer or Jack Foster? A I knew a Jack Brewer, but no Foster.
Q Where did you know him? A I met him in down here, Floydsville.
Q When was that? A It was about 1900.
Q Then when did you last see him? A I last seen him somewhere the last part of March.
Q March of what year? A 1903.
Q Where did you see him then? A I seen him in San Antonio.
Q Did you have any conversation with this Jack Brewer? A Yes sir.
Q State what that conversation was as near as you can about his citizenship? A He said he was a citizen of the Territory.
Q Did you ask him what he was doing down there? A Said a little trouble might run anybody off from home sometimes, and I said why don't you go hom and he said he expected to go home in a few years.
Q Did he say where he had gotten into trouble? A No sir.
Q Did he say he had been in the pen or anything? A Said he had been in prison.
Q Whereabouts? A In Kansas.
Q How long did he say he had been out? A I didn't ask him no questions about how long he had been out and he didn't tell me.
Q Do you know what ever became of him? A Supposed to be drowned in San Antonio.
Q What was he doing? A Working on a bridge there.
Q He was there when that flood was? A Yes sir.
Q Never been seen nor heard of since? A No sir, not as I know anything about.
Q When did you say that was? A 1903.
Q In what month? A The last time I seen him was along about the last of March.
Q Do you know what time they had that flood there? A No sir, I don't know exactly what time it was, it has been so long.
Q If he had been alive do you suppose you would have seen him afterwards? A I suppose I would, I was around there.
Q About how old a man was this Jack Brewer? A A man about 27 or 28 years old.
Q What color was he, a white man or black man? A He was a light brown skin with black curly hair.

Q Did he look to be an Indian or Mexican or what, what would you have taken him to have been? A I would have taken him to be a cross breed.
Q Of what? A I couldn't tell, he saidhe was a citizen of this country.

BY MR. DAVENPORT:
Q You think that fellow was drowned, do you? A Yes sir.
Q You were talking about some kind of a flood at San Antonio, when was that? A In 1903.
Q What was that bridge across at San Antonio? A San Antonio River at the south end of town there.
Q That was about march, 1903? A Yes sir.
Q Have you ever lived in this country until recently? A I don't understand.
Q Where were you born and raised? A Right there below San Antonio at Floresville.
Q When did you come to this country? A I have been coming up here off and on ever since 1893.
Q How far is Floresville from San Antonio? A About 95 miles.
Q How come you to know this man up at San Antonio? A My home is there.
Q How long have you been up here? A This last time.
Q Yes? A I will be here two years about the 10 or 15th of this comeing month.
Q Who do you live with up here? A With my wife up here.
Q You have a family? A Yes sir, got a wife.
Q You didn't know that this man you saw down there ever was in the Cherokee nation, do you or not? A No sir, I don't know that.
Q Who did you first tell that you had such a converstaion as this with the man that you saw there claiming to be Jack Brewer? A My cousin asked me here and he asked me where is Jack Brewer's people, and I says I don't know he says they are around here some place.
Q You never had known him before until you met him at San Antonio, Texas? A No sir, never seen him before.
Q And he got drowned there? A Supposed to get drownde, wasn't seen after this rise.
Q What makes you remember it was 1903? A Because it was when I come up here.
Q You had been going back and forthfor some years as I understand you? A Yes sir, I have been going back off and on off andon.
Q Now what makes you remember it was 1903 that you saw this man down there? A I haven't been down there but once since.
Q Who have you talked about this matter? A I haven't talked with anybody in particular, I met a fellow up here at the Katy Depot and got to taking to him about going back to San Antonio, about the gray mule, I don't know how it come up and he asked me if I met this fellow.
Q I asked you who had you talked to about Jack Brewer and not about the white mule? A I don't know his name, a big heavy set brown skin fellow. I was talking about meeting this and he brings up this name, and he says then,---it was Porter.
Q You just accidentally got to talking to John Porterand knew all about Jack Brewer living down there? A Yes sir.
Q You don't know whether that was Jack Brewer or some other man passing off as Jack Brewer? A Yes sir.
Q Are you any kin to Jack Brewer? A No sir, not as I knows of.
Q Did you talk with him or any of his relatives about testifying before you come up here? A No sir.
Q Just come up here and testify about seeinghim? A Yes sir.

BY THE COMMISSIONER:
Q Did you ever talk with his mother about it? A No sir.
Q Do you know that woman there? A No sir.
Q How old are you? A Going on 26.
Q Who was older you or Jack Brewer you saw in Texas? A He was.
Q About how much older? A He might have been two or three years older, he could and not have told it.
Q Could he have been 5 years younger than you? A Well he could,-no he couldn't, because he showed to be older than I was.
Q Do you know whether or not he had ever been married? A No sir.
Q In what year were you born? A 1880.
Q What day and month? A January 20th.
Q And you are 27 years old? A I said I was going on 26 years old, that is to the best of my knowledge.
Q Did you ever talk to this man stating anything about the case?
A [illegible] talked to him and Henry.
Q Did he tell you what interest he had in the case? A No sir.

BY MR. BLEDSOE:
Q What did Jack Brewer follow down there? A He was supposed to be a carpenter from his talk.

BY MR. DAVENPORT:
Q What was Jack Brewer,s height? A He must have been 5 feet 10, something like that.
Q About how much did he weigh? A He weighed about 130 pounds.
Q How did he carry himself, erect or stooped over? A I couldn't tellyou just how he carried himself.
Q You saw him didn't you? A He was a sporty looking fellow, walked up.
Q Did he have any scars on his hands or face? A This fellow had one little scar on his neck.
Q On the right side? A I don't know, I couldn't tell you, I have forgot which side of his neck it was on.
Q Now you don't want to swear he was 5 feet 10, do you? A Yes sir, he must have been about that.
Q How tall are you? A I suppose I am about,--well I don't know, 5 foot 9.
Q Was he taller than you are? A No sir, I don't think he is.
Q You don't know a thing in the world about Jack Brewer,s description you are trying to testify about? A All I know is the man called himself Jack Brewer.
Q How long did you know him? A Personally about 8 or 9 months.
Q And you can't tell me whether he walked erect or stooped over as he walked? A Upright, he didn't go humped over.
Q Had a scar on his neck? A Yes sir.
Q It showed when he was walking around on the side? A No sir,- not much, if he had on a collar you couldn't tell it much.
Q Now don,t you know the man you are trying to tell about wasn't any scars you are trying to fit this man,s description? A I aint trying to fit no description, just what I know.
Q How come you to come up here and testify? A That man---
Q What man? A John Porter, I have--
Q Did he show you where to go? A No sir.
Q Who come down for you? A I met this man.
Q Mr. Bledsoe or the man sitting beyond you? A The man sitting beyond him.
Q You have talked with that man sitting in the door, I don,t know his name, who had you to come up here about Jack Brewer and about where Jack Brewer was supposed to have been confined in the penitentiary in Kansas? A He asked me what I knew and I just told him.

Q But he told you he was supposed to have been confined in the penitentiary in Kansas? A Yes sir.
Q He told you also that Jack Brewer was also supposed to have gotten out of there in May, 1901? A Yes sir.
Q And you have come up here and tried to testify those dates by swearing about these facts? A No sir.
Q He told you the dates? A Yes sir.
Q He also told you he was supposed to have been gone to the penitentiary upon a charge of rape? A No sir, not as I remember, he said he had been in the pen, but had never said nothing about it.
Q Did he tell you he was interested in it and wanted to buy his allotment if he got on? A No sir.
Q You knew he was interested when he was relating those circumstances? A All I thought about it he was a lawyer, didn't know what he was.
Q He is the fellow that told you about the little trouble that Brewer was supposed to have told you? A No sir, never said nothing about any trouble.
Q When was it you talked to him? A I couldn't tell you just what day it was because I don't pay that much attention to it.
Q He came down after you awhile ago to get you to come up here?
A No sir, he didn't, John Porter came down.
Q Porter brought you up and turned you over to the gentleman there?
A No sir, Porter is out in town some place.
Q Why didn't they get you up here until just before five o'clock?
A Because I was busy.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H Lessley

Subscribed and sworn to before me this 7th day of October, 1905.

My commission

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JACK BREWER as a Cherokee freedman.

APPEARANCES:
For Applicant, I. P. Bledsoe, Agent.
For Cherokee Nation, James S. Davenport.

SENIA BREWER, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Senia Brewer.
Q How old are you? A I am 60.
Q Are you a Cherokee freedman? A Yes sir.
Q On a straight card? A Yes sir.
Q Did you ever have a son named Jack Brewer? A Yes sir.
Q Do you know what become of him? A No sir.
Q Did he ever go by any other name than Jack Brewer? A Yes sir.
Q What other names did he go by? A Jack, Johnnie, and Jack Foster, and Jack Brewer, went by them two names.
Q Do you know where he is now? A No sir.
Q About how old would he be if he was living? A I guess he would be about ~~30~~ 30.
Q Did you ever hear of him being in jail? A Yes sir.
Q Whereabouts? A First heard it was in Leavenworth.
Q Leavenworth, Kansas? A Yes sir.

BY MR. DAVENPORT:
Q Did you learn from what place he was sent to Leavenworth when you heard about it? A No sir.
Q Do you mean he was in jail or in the penitentiary? A In the penitentiary.
Q At Fort Leavenworth, Kansas? A Yes sir.
Q Did you ever hear from him at any prison anywhere, get any letter or did any one write for him? A No sir.
Q How old did you say he would be now if he was alive? A I guess he would be 30 years old.
Q How old was he in 1880? A I couldn't tell you the dates of the years myself.
Q Do you know the year he was born? A No sir, I don't know the year he was born. I aint got the ages of any of my folks.
Q You don't know anything about his age? A No sir.
Q You don't know anything about where he is except what you heard that he was in Fort Leavenworth Penitentiary? A No sir, only that man that was here the other week said he got drowned down in Texas.

ON BEHALF OF THE COMMISSIONER:
Q When was the last time you saw your son? A It has been a good while since I saw him.
Q As much as 15 years? A It has been longer.
Q Has he never lived in the Cherokee Nation since then? A I don't know, he didn't live right down in this part, he might have been up higher.
Q Do you think you would have seen him if he had been living in the Cherokee Nation any time during that 15 years? A Yes sir, I think I would, and then I might not, he didn't come around where we were.

JIM SMITH, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Jim Smith.
Q How old are you Jim?

BY MR. DAVENPORT:
Q Have you been convicted of a crime and served a sentence in the penitentiary? A No sir.

BY MR. BLEDSOE:
Q How old are you? A I am 45.
Q Where do you live? A In Muskogee now.
Q Are you a Cherokee freedman? A Yes sir.
Q Do you know Senia Brewer who just testified here? A Yes sir.
Q Do you know whether she had a son named Jack Brewer or not? A I know her and Jack too.
Q Did you ever know how many other names besides Jack Brewer?
A Yes sir.
Q What was his other name or names? A He went by Jack Brewer, and Jack,--that other name I can't think of it.
Q Went by the name of Jack what? A Jack Brewer.
Q Jack Foster?

Mr. Davenport: He answered that once and I object to that leading question.

Q Did you ever hear him called Jack Foster?

Mr. Davenport: I object to that, it is leading.

A Yes sir, I have.
Q Did you ever hear of him being in the penitentiary in Kansas?

Mr. Davenport: I object to that, it is leading, incompetent and immaterial.

Q Do you know whatever became of him? A No sir, I don't.

The representative of the applicant offers a letter which he desires filed, but as this office never has filed affidavits, it refuses to file letters for the reason that the Attorneys for the Cherokee Nation would have no opportunity to cross-examine the person signing letters and as the testimony already given in this case is so evasive, the filing of the letter is also refused for that reason.

This case for the time being will not be closed. In case it is desired to set this case for hearing at some future time, the Attorneys at interest will be notified.

---oOo---

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of October, 1906.

Bruce E. Jones
Notary Public.

C.F.B. C.F.D.1175.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., February 25, 1907.

In the matter of the application for the enrollment of Jack Brewer as a Cherokee Freedman.

APPEARANCES:
For the applicant, Louis T. Brown.
For the Cherokee Nation. W. W. Hastings.

S. D. Gradington being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testifid as follows:

By the Commissioner:
Q What is your name? A S. D. Gradington.
Q How old are you? A Fifty-four years.
Q What is your postoffice address? A Muskogee, I. T.

By Louis T. Brown:
Q How long have you lived in Muskogee? A I have lived in Muskogee about 22 months.
Q Where did you live prior to the time you came here? A Travers County, Texas.
Q Near what town? A Manor.
Q Did you come from Texas to the Indian Territory? A Yes sir.
Q About what time? A I hauled out of my native home on the 7th of April and landed here the 10th.
Q What year? A 1905.
Q While you were in Texas did you become acquainted with a negro by the name of Jack Brewer? A I did.
Q When and where did you meet him the first time? A In 1901, I was contracting a clearing for a white man by the name of Alec Kennedy in the east end of Travers county, and in the fall of the year sometime in September I was working a big group of hands in three factions; about forty Mexicans in one group, and 22 or 3 white people in another group and about forty negroes in another group. I contracted to cut weed and clear the land, and I was picking up any hand. During the time I run onto a man by the name of Jack Brewer, a citizen of the Indian Territory, and I worked him six weeks, maybe a little longer..
Q What was in 1902? A Yes sir.
Q Did he leave your employment? A After I about closed my contract and could get along with my home labor he went over to the little town of Manor .
Q Did you see him after he left your place and went to Manor? A Yes sir.
Q About when was it you saw him for the last time? A It was on or about the 1st of March. I had occasion to go to San Antonio. I saw him before that in Austin, and I had occasion to go to San Antonio. I was handling cattle then and I was going to the cattlemen's convention or exchange to get a contract

and I met with the same gentleman again.
Q When was that? A That was in 1903.
Q About what month was it? A Along about the first of March. I was attempting them to meet the cattle convention.
Q Did you have any conversation with Jack Brewer relative to his former whereabouts? A Yes, always did--
Q Did he tell you where he came from to the state of Texas?
A He told me when I first hired him that he was from Leavenworth, Kansas, and he was also a citizen of the Indian Territory and come from Kansas right through this country on down south, and I don't know how long he had been there before I hired him.

By Mr. Hastings:
Q About how old was this fellow that you are talking about?
A About 28 or 30 years old.
Q Did he have a mustache? A Yes sir.
Q Was he married? A Didn't claim to be.
Q Did he have a heavy mustache? A Yes sir.
Q Black? A Yes sir.
Q What color was he, a very dark man? A He was a man, something lighter than I am--what we call in the state, a Mexican color; Mexican colored man and pretty fair hair; stubby hair.
Q He was about 28 or 30 years old to your best knowledge when you saw him? A Yes sir.
Q When did you first see him? A In 1902, along in the fall season about sometime in September; I couldn't say just when.
Q How long have you been up here? A About 22 months, a little over.
Q When did you become acquainted with Louis T. Brown, the attorney for Jack Brewer? A I have been meeting him often, but I never was acquainted with him until the last seven months.
Q When did you get acquainted with Seenie Brewer? A I have known the family ever since I have been here, 22 months.
Q Where did you know John Porter? A Knew him about the same.
Q And his wife? A Yes, I met them all the same, but I never was personally acquainted with them--just knew all the family.
Q Did you ever tell John Porter or his mother in law about this colored fellow working for you? A Yes sir.
Q Tell them that directly after you came here when you first got acquainted with them? A No, I didn't.
Q Well, how long ago? A Its been about a year ago.
Q About a year ago? A Yes sir.about a year ago. Why I come in contact with the question, Jackson Brewer, I was working on the place I rented when I first come here--
Q Just tell me when you told John Porter and Seenie Brewer what you knew about this? A I told Seenie Brewer about this about two months ago.
Q How long before that did you tell John Porter? A I have not definitely told John Porter anything about it.
Q I thought you said that you told one of them about it about a year ago? A No, I went in to state how I come in contact wth the Brewer question.
Q I don't care about that, except when you told some member of the Brewer family about it.
A About two months ago.
Q Can you read and write? A Yes sir.

Q You was a slave, was you? A Yes sir.

Q About how tall a fellow was this Jack Brewer that you saw? A Well, he was something over five feet high, yes, nearly six feet--not quite, I don't think.
Q Well, was he tall, medium or under medium? A He was tall, medium height.
Q Was he taller than medium or under medium? A No, he was regular medium height.
Q About how much would he weigh? A Seemed to be a man that would weigh about 165-70 pounds, maybe more.
Q Did he have both arms. A Yes sir.
Q Both legs? A Yes, bound to have or I wouldn't have worked him. I never work cripples.
Q He never had any defect in any way? A Not as I could see.
Q Have both ears? A Yes sir.
Q Both eyes? A Yes sir.
Q He was not deformed in any way? A Not in any way as I discerned.
Q You don't know that this the applicant in this case that you are testifying about now, do you? You are just testifying about a man you say you saw down there aint you? A I am testifying about a man by the name of Jack Brewer that I met down there.
Q But you don't know that he is the identical man that is applying for ci tizenship here? A I do not. I would not swear to it.
Q You say that among a great many other people there was a man that went by the name of Jackson Brewer who worked for you? A I hired a man that gave me his statement that he was a citizen of the Indian nation, and his name was Jack Brwwer.
Q Did he say he was a Seminole? A No sir.
Q Did he say he was a Creek? A No, he didn't.
Q Did any of these others that you hired down there, any of them belong to the Indian country? A No sir, no sir, I had them with Indian blood but none of them had ever been here.
Q This man didn't have any wife? A He didn't claim any. I couldn't say that he didn't.
Q Have you ever been tried in the courts? A No sir.
Q Ever convicted of anything? A No sir, I've got a record all right--
Q I don't doubt it; when did you say was the last time you saw this fellow? A It was in 1903, on or about the 1st of March.
Q What makes you remember about the 1st of March, four years ago that you saw him? A Any hand that I worked at any place, whenever they would meet me they would have something to say to me, and I was over at San Antonio on business, and of course, he came to me.
Q You just happened to see him then? A Yes sir.
Q What was he doing? A I never asked him as to what he was doing.
Q Did this fellow have any scars on his face or head that were noticable? A Nothing more than he had a large Roman nose; I could easily detect that, but he had no scars as I knowed of.
Q Were you ever back over at San Antonio after that? A Yes sir
Q Now, what is the time you first saw this fellow, the first time? A The first time I ever saw him was in 1902, along in September.
Q In September? A Yes sir.
Q Now if John Porter, his brother-in-law, says that about the middle of October, 1902, that he saw this fellow Jack Brewer after that time in the Ft. Leavenworth penitentiary,

it is at the same fellow you saw, or that you say you saw in September, 1902? A I don't see how it could be. At the same time I am just telling you about the one I knew.
Q If John Porter and Seenie Brewer says this is a one-eyed man, then you are not testifying about that man at all?
A I am not testifying about any one-eyed Brewer that worked for me, or any one-eyed Brewer at all.
Q When did you last talk with John Porter about this case?
A I have not had any definite talk with John Porter about this case at any time. If you will allow me to explain--
Q No, you talk too much. Just answer my questions. You say about two months ago you first told Seenie Brewer about wht you know in this case? A Yes, when I first told her what I knew of Jackson Brewer.

Witness excused.

Seenie Brewer being first duly sworn by Frances R. Lane, a Notary Public, testified as follows:

Examination by Mr. Hastings:
Q Your name is Seenie Brewer? A Yes sir.
Q You are the mother of Jack Brewer? A Yes sir.
Q How old would Jack Brewer beif he were living now? A About thirty.
Q You gave some testimony in this case in March, a year ago, didn't you? A Yes sir.
Q Do you know this man who left the stand just now? A Yes, I have been acquainted with him about a year and a half.
Q When did he first ever tell you about having seen someone that he claimed was your son? A Its been about 2 or 3 months. I have ben knowing him about a year and a half.
Q Didn't you testify in March, 1905, that someone came from the penitentiary and told you that your son had lost one of his eyes? A Yes.
Q I will ask you if you didn't also testify that you saw a picture of your son and one of his eyes were gone? A Yes, I know the time they had that picture, but it wasn't him.
Q It wasn't him? A No, it wasn't my son.
Q Why didn't you say so then? A I told them if it was my son he was done mighty bad.
Q I will ask you if you didn't say on March 8, 1905, when you were being inquired about your son, if you didn't answer this question in this way:

"Q Did he have two or one eye?
A He had two eyes when he left home, but a man that come from the penitentiary told me he had seen my son there and that one of his eyes was gone, but he had two when he left home. And I seed a picture from the penitentiary and it was him and he had just one eye"

Now I will ask you if that answer was not given; if you didn't say that that picture was him and he had just one eye?
A No, I said if that was him they done pretty bad. It didn't look like him, but they said that was Jack. Porter was the one that said he seed him, and he died there in the penitentiary
Is Porter your son in law? A Yes sir.
Q Porter married Jack's sister? A He said he did.
Q Don't you know? A No, he come and told me that after he come

from the penitentary. He never did see Jack until he come and told me that day.
Q Who brought that picture back? A I don't know
Q Who had it? A Had it here up in the Commission.
Q Who brought it here? A I couldn't tell you. Bledsoe I guess.
Q Was he your lawyer? A He was my lawyer but he never did me much good.
Q Who gave him the picture? A I don't know. He seen to it, I didn't. Guess he sent for it.
Q Didn't John Porter tell you that this man, Jack Brewer, died up there in the penitentiary? A Yes sir.
Q When was the last time you saw Jack Brewer? How long ago?
A About twenty years.
Q About twenty years ago? A Yes sir.
Q It has been about twenty years since you have seen him?
S Yes sir.
Q Had he been living in Kansas? A Yes, the last time I heard of him he was in Kansas.
Q He was there the last time you heard of him? A Yes sir.
Q About when did you hear of him living in Kansas? A I don't know.
Q Ten or fifteen years ago? A Yes.
Q Did you hear of him after that time? A It was b fore that script payment.
Q The Kerns-Clifton payment? A Yes sir.
Q It was before that time you heard of him in Kansas?
A Yes sir.
Q Did he marry up there? A No.
Q You never saw him in this country after the Kerns-Clifton payment? A No, but I drawed his money.
Q But you never saw him in this country? A No sir.
Q He had no farm here? A No, I had none myself.
Q Jack had none? A No, he was not of age.
Q He would be about thirty years old now? A Yes sir.
Q He had left here before the Kerns-Clifton payment? A Yes.
Q About twenty years ago? A Its been twenty years since I saw him.
Q He left before the Kerns-Clifton payment how many years? Five or six? A I guess so.
Q You havn't seen him since that time? A No sir.
Q And when you heard of him he was in Kansas? A Yes sir.
Q The next time you hearc of him, if you heard at all, he was in Texas? A Yes sir.
Q You have never heard of or seen him in this country since the Kerns)clifton payment? A No sir.
Q And you don't know of your own knowledge whether he was married up there? A He was not married; never was.
Q You know he has not been in this country since then? A No, he hasnat been in this country.
Q Where have you lived since then? Fort Gibson and Muskogee?
A Yes sir.

Q Now, don't you know that you were excused for the state and were recalled and was asked about that picture, and you never did deny that it was your son's picture? A Yes, I denied it.
Q You denied it did you? A Yes sir, it was not his picture. This picture come from the Creek Nation and he has not been in

the Creek Nation.
Q Was he in the state penitentiary up there? A Yes sir.
Q The Kansas state penitentiary? A I suppose it was.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this February 26, 1907.

Chesterfield W. Chappell
Notary Public.

C.F.B. Cherokee F.D.1175

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jack Brewer as a Cherokee freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jack Brewer as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 7, March 8, September 28, and October 19, 1905, and February 25, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Jack Brewer, who is identified on the Cherokee authenticated tribal roll of 1880, page 502, No. 80, Illinois District, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion he left the Cherokee Nation and returned thereto and established an actual personal bona fide residence therein prior to February 11, 1867. It is further shows that said Jack Brewer resided continuously in the Cherokee Nation from the time of his return to said Nation after the war until about the year 1890, when he left the Cherokee Nation and continued to reside outside the domain of the Five Civilized Tribes up to and including September 1, 1902.

Section II Article I of the Cherokee Constitution in part provides:

> "Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section II Article I of the Cherokee Constitution above noted, Jack Brewer is not entitled under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a Cherokee freedman, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,
this FEB 23 1907

In the matter of the application for the enrollment of Jack Brewer as a Cherokee Freedman.

The record as now made up consists of the application made by Emmet Starr for the enrollment of Jack Brewer, made on June 30, 1902; letter of the Commission to the warden of the United States prison at Fort Leavenworth, Kansas, dated December 10, 1904, making inquiry relative to the death of one, Jack Brewer, and endorsed on back of said letter is the reply of the warden, by his deputy, stating that no one was in the penitentiary under the name of Jack Brewer; affidavits of proof of death of Jack Brewer on March 4, 1902 by John Porter and Frank Gualtney, sworn to on December 5, 1904, before J. B. Campbell, Notary Public; the testimony of Senia Brewer, mother of Jack Brewer, taken before the Commission, in Muskogee, Indian Territory, on February 7, 1905; letter of I. P. Bledsoe, dated December 2, 1904, to the warden of the pneitentiary at Fort Leavenworth; reply to the letter, by the record clerk of the warden; a letter of January 19, 1905 from the record clerk of the United States penitentiary of Fort Leavenworth, certifying to the correctness of a photograph of one, Henry Foster, and the date of the death of the said Henry Foster--on the 4th day of November, 1902, and stating that his remains were buried in the penitentiary cemetary; affidavits of Senia Brewer and John Porter relative to the death of Jack Brewer on November 16th. or 17th., 1902, sworn to before W. S. Hawkins, Notary Public, on March 6, 1905; a certificate from Leo E. Bennett, United States Marshal, certifying that John Porter, among other things, was transported from Muskogee to the United States prison at Fort Leavenworth, Kansas on November 30, 1902; certificate of Leo E. Bennett, United States Marshal for the Western District, dated March 8, 1905, certifying that Henry Foster was sentenced to imprisonment in the penitentiary at Fort Leavenworth for a term of two years, on the 16th. day of November, 1901, together with a description of the said Henry Foster; letters of administration, dated March 7, 1905, appointing John Porter as administrator of the estate of Jack Brewer, deceased. Letters issued by Judge Joseph Sulzbacher, by R. P. Harrison, Deputy Clerk; also, the testimony taken in the matter of this application on March 8, 1905.

Muscogee I.T.
Dec. 22nd 1904

Dear Sir:

I want to know when Jack or Jackson Foster or Jack Brewer died as he died in the penitentiary. John Porter his brother-in-law says he died on the 4th or 14 day of March 1903 his Prison No is 332 if no mistake is made, please write me at once to Muscogee. Ind. Ter. as I represent him & oblige

J. R. Bledsoe

C7D-11

32

IN RE
THE DEATH OF

Jack Brewer
~~late~~ a citizen of the

Cherokee Nation.

Approved Dec 5 1904

Commissioner.

DEC 5 1904
COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jack Brewer (Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near

Ft Gibson (Here insert name of postoffice.), Ind. Ter., and died on the 4th day of

March, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, John Porter, on oath state that I am 56 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Muskogee (Here insert name of post office.), Ind. Ter.; that I am Brother in-law (State relationship as: the father; an uncle; a cousin, etc.) of Jack Brewer (Here insert name of deceased.), who was a citizen, by adoption, of the Cherokee Nation; and that said Jack Brewer (Here insert name of deceased.) died on the 4 day of March 1902

his
John X Porter
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W M Roberts

W M Vance

Subscribed and sworn to before me this 5th *day of* December 1904

J B Campbell
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Muskogee District.

I, Frank Gaultney, on oath state that I am 27 years of age, and a citizen, by ——, of the United States Nation; that my post office address is Muskogee (Here insert name of post office.) Ind. Ter.; that I was personally acquainted with Jack Brewer (Here insert name of deceased.) who was a citizen, by adoption, of the Cherokee Nation; and that said Jack Brewer (Here insert name of deceased.) died on the 4 day of March, 1902

Frank Gaultney

WITNESSES TO MARK:

(Must be Two Witnesses.) ——

——

Subscribed and sworn to before me this 5th *day of* December 1904

J B Campbell
Notary Public.

Card D 1175

32

IN RE
THE DEATH OF
Jack Brown
a ~~citizen~~ freedman
Cherokee Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jack Brewer
(Here insert name of deceased.)
a citizen of the Freedman Cherokee Nation, who formerly resided at or near
Fort Gibson, Ind. Ter., and died on the 16th day of
(Here insert name of postoffice)
November, 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Jennie Brewer, on oath state that I am 65
years of age and a citizen by Freedman, of the Cherokee Nation;
that my postoffice address is Muskogee, Ind. Ter.; that I am
(Here insert name of postoffice.)
mother of Jack Brewer,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen by Freedman, of the Cherokee Nation;
and that said Jack Brewer died on the 16th day of
(Here insert name of deceased.)
November, 1902 in United States Prison at Fort Leavenworth Kansas

WITNESSES TO MARK:
(Must be Two Witnesses.) Thos Shelby

her
Jennie x Brewer
mark

Subscribed and sworn to before me this 6 day of March 1905

W. S. Hawkins
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, John Porter, on oath state that I am 57
years of age, and a citizen by Freedman, of the Cherokee Nation;
that my postoffice address is Muskogee, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Jack Brewer
(Here insert name of deceased.)
who was a citizen by Freedman, of the Cherokee Nation;
and that said Jack Brewer died on the 16th day of
(Here insert name of deceased)
November, 1902 in United States Prison at Fort Leavenworth Kansas

WITNESSES TO MARK:
(Must be Two Witnesses.) Thos Shelby

his
John x Porter
mark

Subscribed and sworn to before me this 6th day of March 1905

W. S. Hawkins
Notary Public.

No. 33

UNITED STATES COURT,

INDIAN TERRITORY,

[illegible] District.

Administrator's Letters

ESTATE OF

Jesse Brewer

Deceased.

Recorded in Administrator's Record

A Page 83.

R. P. Hanson Clerk.

By [illegible] Deputy.

Form No. 584.

LETTERS OF ADMINISTRATION.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Western District. } ss:

The President of the United States of America,

To All Persons to whom these Presents shall Come—Greeting:

Know ye, that whereas, Jack Brewer, *of the* Western *District of the Indian Territory, died intestate, as it is said, on or about the* 16th *day of* November, *A. D. 190*2, *having at the time of his death personal property in the Indian Territory which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same; to the end, therefore, that the said property may be collected, preserved, and disposed of according to law, we do hereby appoint* Senie Brewer *of said* Western *District of the Indian Territory, administrator of all and singular the goods and chattels, rights and credits which were of the said* Jack Brewer *at the time of his death, with full power and authority to dispose of the said property, according to law, and to collect all moneys due the said deceased, and in general to do and perform all other acts and things which are or hereafter may be required of* her *by law.*

Witness, the Honorable Louis Sulzbacher, *Judge of the United States Court in the* Western *District of the Indian Territory, and the seal thereof, at* Vinita, *in the Indian Territory, this* 7th *day of* March, *A. D. 190*5.

R. P. Harrison, *Clerk.*

By J. L. Sponsler, *Deputy.*

FILED
1905
COMMISSIONER OF INDIAN TRIBES.

DEPARTMENT OF JUSTICE.

UNITED STATES MARSHAL'S OFFICE,

WESTERN DISTRICT, INDIAN TERRITORY.

MAIN OFFICE:
Muskogee.
DISTRICT OFFICES:
Eufaula,
Okmulgee,
Sapulpa,
Wagoner,
Wewoka.

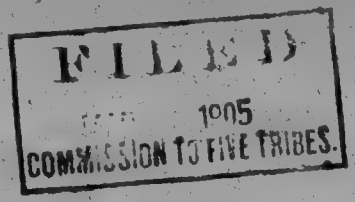
Muskogee, Ind.Ter., March 8th., 1905.

I hereby certify that John Porter, colored, was committed to the United States Jail at Muskogee on the tenth day of June, 1902, and in Eufaula Court No. 84, was sentenced on October 27th, 1902, to imprisonment in the United States Penitentiary at Fort Leavenworth, Kansas for a period of one year and one day, and on November 30th, 1902, he was transpored from said jail to said Penitentiary.

This certificate issued at request of said John Porter, and dates above given are from the official record of this office.

Leo E. Bennett
United States Marshal.

F20 1193



DEPARTMENT OF JUSTICE.

UNITED STATES MARSHAL'S OFFICE,

WESTERN DISTRICT, INDIAN TERRITORY.

MAIN OFFICE:
Muskogee.
DISTRICT OFFICES:
Eufaula,
Okmulgee,
Sapulpa,
Wagoner,
Wewoka.

Muskogee, Ind.Ter., March 8th., 1905.

This is to certify that on November 10, 1898, one Henry Foster was committed to the jail at Muskogee, Ind.Ter., where he remained until September first, 1899, when he was discharged on bond. He was later received at the jail on November 16, 1901, being then sentenced to imprisonment in the United States Penitentiary at Fort Leavenworth, Kansas for a term of two years. He was transported to said Penitentiary on December 11th., 1901. This Henry Foster was 5 feet 7 1/2 inches high; weighed 145 pounds; gave his age as 30 years, stated that he was born in the Creek Nation; that his relatives lived near Morse (then Norberg's Store, Creek Nation) and that he was a farmer. The distinctive point about his description on record in this office is that his left eye was out.

Leo E. Bennett
United States Marshal.

Wewoka No 64

Witnesses in this case were

W.L.Lane, Arlington, Oklahoma
Robert Lane, Arlington, Oklahoma
John Haynes, Arlington, Oklahoma
Cully Johnson, Arbeka, Ind.Ter.
Lillie Lena, Arbeka, Ind.Ter.
Lucinda Lena, Arbeka, Ind.Ter.
Houston Miller, Morse, Ind.Ter.
Sarah Williams, Morse, Ind.Ter.
Barnie Franks, Arbeka, Ind.Ter.
Jonas Bear, Arbeka, Ind.Ter. (now in U.S.Jail.)

Form No. 584.

LETTERS OF ADMINISTRATION.

UNITED STATES OF AMERICA,

INDIAN TERRITORY, SS:

WESTERN DISTRICT.

THE PRESIDENT OF THE UNITED STATES,

TO ALL PERSONS TO WHOM THESE PRESENT SHALL COME-Greeting:

Know ye, that whereas, Jack Brewer, of the Western District of the Indian Territory, died intestate, as it is said, on or about the 16th day of November, A. D. 1902, having at the time of his death personal property in the Indian Territory which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same; to the end, therefore, that the said property may be collected, preserved, and disposed of according to law, we do hereby appoint Senie Brewer of said Western District of the Indian Territory, administrater of all and singular the goods and chattels, rights and credits which were of the said Jack Brewer at the time of his death, with full power and authority to dispose of the said property, according to law, and to collect all moneys due the said deceased, and in general to do and perform all other acts and things which are or hereafter may be required of her by law.

WITNESS, THE HONORABLE Louis Sulzbacher, Judge of the United States Court in the Western District of the Indian Territory, and the seal thereof, at Wagoner, in the Indian Territory, this 7th day of March, A. D. 1906.

(Signed) R. P. Harrison, Clerk

(SEAL)

7-645. (Signed) By J. L. Spengler, Deputy

Endorsed on back as follows:

No. 335.

UNITED STATES COURT,

INDIAN TERRITORY.

WESTERN DISTRICT.

ADMINISTRATOR'S LETTERS

Estate of Jack Brewer, Deceased. Recorded in Administrator's Record A, Page 83.

(Signed) R. P. Harrison, Clerk

(Signed) By J. L. Spenslor, Deputy

7-645

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original document.

Maggie Kennedy

Subscribed and sworn to before me this the 8th day of March, 1906.

Myron White.

Notary Public.

UNITED STATES PENITENTIARY,
R. W. McCLAUGHRY,
WARDEN.

M. W. McCLAUGHRY,
RECORD CLERK.

FORT LEAVENWORTH, KANSAS.

December.26th,1904.

J.P.Bludsoe,Esq.,

Choteau,

I.T.

Sir:

Replying to your letter of the 22ond Inst would say that we have had no prisoner under the ~~name~~ following names die here,viz:

" Jackson or Jack Foster and Jack Brewer".

There did die in the Penitentiary Hospital two prisoners under the names and dates,viz:

No.1.— Henry Foster (Indian) No.2784 died on November.4th,1902.

No.2.— T.Brewer (white) No.3642 died on January.4th,1904.

Respectfully,

R.W.McClaughry,

Warden.

By M.W. McClaughry

Record Clerk.

Muskogee, Indian Territory, 3/9 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in F.D. 1175

Jack Brewer

Attorney for Applicant.

Choteau, Indian Territory, 12 1900

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Jack Barnes #1175

Attorney for Applicants

INDEXED

1974

McClaughry, R.W.,
Fort Leavenworth, Kansas,
No date.

States records of Penitentiary
do not show that there was a
convict by name of Jack Brewer

CHEROKEE ENROLLMENT.

U. S. Penitentiary
Fort Leavenworth, Kansas.

Respectfully returned
with this information
that we have had
no one here under
the name of Jack
Brewer

Respectfully
R. W. McClaughry
Warden
By M. W. McClaughry
Captain

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREECKINRIDGE.
WM. O. BEALL, Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedman
D-1175.

Muskogee, Indian Territory, December 10, 1904.

Warden of

The United States Prison,

Fort Leavenworth, Kansas.

Dear sir:

One Jack Brewer is an applicant before this Commission for enrollment as a Cherokee Freedman and it is necessary, in order to dispose of his case, that the Commission ascertain the date of his death. The Commission is informed that the applicant died in the United States Prison at Fort Leavenworth, Kansas in the month of March of either the year 1902 or 1903.

It is requested that you furnish the Commission with the correct date of the death of this party in the event it is shown by your records.

Respectfully,

Chairman.

UNITED STATES PENITENTIARY,
R. W. McCLAUGHRY,
WARDEN.

M. W. McCLAUGHRY,
RECORD CLERK.

FORT LEAVENWORTH, KANSAS.
January.19th,1905.

To Whom It May Concern:

This is to certify that the attached photograph is one of Henry Foster No.2794,an Indian,who was received into this Penitentiary on December.13,1901 from the U.S.Court at Wewoka, Indian Territory, where he was sentenced to a term of two years for the crime of larceny on November.14th,1901. This is also to certify that Henry Foster,No 2794, died in the Hospital of this Penitentiary on November.4th,1902 and that his remains were buried in the Penitentiary Cemetery.

Respectfully,

M. W. McClaughry
Record Clerk.

Cherokee Freedmen
D 1178

Muskogee, Indian Territory, February 1, 1907

Senie Brewer,

Muskogee, Indian Territory.

Dear Madam:

This office is in receipt of your letter of January 24, 1907, stating that you have employed Louis T. Brown, of Muskogee, Indian Territory, to represent you in the matter of the application for the enrollment of your son, Jack Brewer as a Cherokee freedman.

Louis T. Brown has been entered as attorney of record in said case.

Respectfully,

Commissioner

L M B

Cherokee 1175

Muskogee, Indian Territory, February 28, 1907.

Cenia Brewer,

Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of your son, Jack Brewer, as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior forhis review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-407.
RPI

Commissioner.

Register.

Cherokee F.D.
1178

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the order of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying the application for the enrollment of Jack Brewer as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office has been informed of the same.

Respectfully,

Commissioner.

Encl.M-31
MTM

Cherokee F.D.
1175

Muskogee, Indian Territory, February 28, 1907.

I.P.Bledsoe, Agent,

for Jack Brewer,

Cheteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying the application for the enrollment of Jack Brewer as a Cherokee freedman.

The decision, together with the records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office has been informed of the same.

Respectfully,

M
Encl.20-
MTM

Commissioner.

Register.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applieztion for the enrollment of Jack Brewer as a Cherokee freedman, together with the decision of the Commissioner to the Five Civilized Tribes, dated, February 28, 1907, rejecting said application.

Respectfully,

Commissioner.

Incl. CL-19.
CHL

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,

Land
21901-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Jack Brewer as a Cherokee freedman, wherein, on February 28, 1907, the Commissioner entered a judgment of rejection.

The record in the case shows that Jack Brewer is identified on the Cherokee authenticated tribal roll of 1880, page 502, No. 80, Illinois District. It is therefore recommended, in view of the opinion of the Attorney General of the United States of February 26, 1907, holding that the persons whose names appear on the 1880 tribal roll of the Cherokee Nation are now entitled to enrollment under subsequent laws, that the adverse decision of the Commissioner be disapproved and that Jack Brewer be enrolled as a Cherokee freedman.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBE-GH.

D.C.13336-1907. J.P.

DEPARTMENT OF THE INTERIOR, FHE.

WASHINGTON.

I.T.D. 8044-1907. March 4, 1907.

LHS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Indian Office submitted the Cherokee freedman case of Jack Brewer with its letter of March 4, 1907 (Land 21901-07), and redommended that your decision adverse to the claimants be reversed. A copy of its letter is inclosed.

Referring to Section 2, Article 1, of the Cherokee Constitution, you found that the party was not entitled to enrollment although his name is on the 1880 roll, because he left the Cherokee Nation about 1890, and has continued to reside outside the dominion of the Five Civilized Tribes up to and including September 1, 1902.

The Indian Office considers the party entitled to enrollment "in view of the opinion of the Attorney General of the United States of February 26, 1907." It is presumed it has reference to the opinion in the Cherokee intermarried case of John W. Gleason.

It has always been heldby the Department that notwithstanding the fact thata person's name is on the 1880 roll, he could lose his citizenship by removing from the nation and taking

his effects, and becoming a citizen of some other tribe or government.

This view is sustained by the opinion upon which the India Office relies, as it was stated therein that Gleason was entitled to enrollment "being a resident of the nation as required by the act of June 28, 1898."

As the applicant was not a resident of the nation June 28, 1898, he is not entitled to enrollment, and your decision is affirmed.

The papers in the case have been returned to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 for Ind. Of. with
copy hereof.

WCF
3-5-07

Cherokee F.
D 1175.

COPY

Muskogee, Indian Territory, March 21, 1907.

Cenia Brewer,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of your son, Jack Brewer, as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

Commissioner.

LMC

Cherokee,F.
D 1175.

COPY

Muskogee, Indian Territory, March 21, 1907.

I. P. Bledsoe,

Agent for Jack Brewer,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Jack Brewer, as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-27

Cherokee F
D 1175.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Jack Brewer, as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-28
LMC

Cher Fr R 1122

Trans. from Cher Fr D 1176

Cher Fr R 1122

R
Cher F D 1176

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Samuel Buster, page 511, #289, Illinois district, adopted colored.

E. C. Bagwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

[redacted] 1176

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Samuel Buster as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Buster as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Buster is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during each time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Samuel Buster on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Samuel Buster as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1123
Trans. from Cher Fr D 1177

Cher Fr R 1123

Cher. F. D. 1177

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Ageline Beck, page 511, #295, Illinois district, adopted colored. Note: "Has been living in Creek nation many years." Also on Wilace Roll, page 45, #961, Illinois district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 5 day of July, 1902.

Notary Public.

[illegible] Freedman D 1787

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Angeline Beck as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [illegible] Beck as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Angeline Beck is identified on the Cherokee authenticated roll of [illegible] as a Cherokee Freedman

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of such persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed. No information has been obtained tending to show the status of Angeline Beck on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Angeline Beck as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen
D-1177

Muskogee, Indian Territory, November 21,1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Angeline Beck, as a Cherokee freedman. The records further show that said Angeline Beck is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if her name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that her number be given, together with the date of the Department's approval of said rolls

Respectfully,

Tams Bixby.

Chairman

8813

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GIVE IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,

Gentlemen:

Receipt is acknowledged of your letter of November 21, (Cherokee Freedman D. 1177) requesting to be advised whether or not Angeline Beck has applied to be enrolled as a citizen of the Creek Nation.

In reply you are advised that it does not appear that application has been made for the enrollment of this person as a citizen of the Creek Nation under the name given.

Respectfully,

Chairman.

Cher Fr R 1124
Trans. from Cher Fr D 1178

Cher Fr R 1124

Cher/ F. D. 1178

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

George Brooks, page 511, #296, Illinois district, adopted colored; also on Wallace roll, page 45, #[illegible], Illinois district.

E. C. Magwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Magwell

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

George Brooks as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of George Brooks as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said George Brooks is identified on the Cherokee [illegible] roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed as no information has been obtained tending to show the status of George Brooks on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of George Brooks as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1125

Trans. from Cher Fr D 1179

Cher Fr R 1125

R
Cher F. D. 1179

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A - Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Louis Beck, page 512, #320, Illinois district, adopted colored; also on ~~1880~~ Wallace roll, page 45, #961, as Lewis Beck, Illinois district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

F G Benton

Notary Public.

Cherokee Freedmen 3-1179.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Louis Beck as a citizen of the Cherokee Nation.

—:—
O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Louis Beck as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Louis Beck is identified on the Cherokee [redacted] roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been enrolled for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Louis Beck on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Louis Beck as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1126

Trans. from Cher Fr D 1126

Cher Fr R 1126

R
Cher F. D. 1180

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Morris Crossland, page 517, #434, Illinois district Ad. Col.
Also on 1896 roll page 946, #147, Illinois district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

[redacted] 1 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Morris [redacted] as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ramet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; the Cherokee Land Office opened on January 6, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, for the Muskogee, Indian Territory, have used all [redacted] to ascertain [redacted] as to whether or not the [redacted] are included [redacted] applications were living on [redacted] and the [redacted] or were [redacted]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Morris Crossland on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Morris Crossland as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1127

Trans. from Cher Fr D 1181

Cher Fr R 1127

...r name ? A Emmet Starr.
... Thirty one years.
... post office address ? A Claremore, I. T.
... citizen by blood of the Cherokee Nation ?
... desire to make application for enrollment ...
... named persons on the 1896 Cherokee ... ,
... descendants:

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COMMISSION TO THE FIVE CIV...

... there any other persons for whom you desire to make appli-
... desire to apply for the ... [illegible]

Foreman, Grace, ... Miss, Illinois district, Ad. Del.
Also on Wallace ... ct, 1900, Illinois district.

... [illegible]

Subscribed ... sworn to before me this ... day of ...

R
Cher F. D. 1181

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Joseph Crapo, page 518, #454, Illinois district, Ad. Col.
Also on Wallace Roll, page 47, #1002, Illinois district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Joseph Grapo as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ennet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Grapo as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Grapo is identified on the Cherokee roll of as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Joseph Crape on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Joseph Crape as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1128

Trans. from Cher Fr D 1182

Cher Fr R 1128

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880

R
Cher D 1182

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Blossom Dick, page 324, # 886, Illinois District; also on Wallace roll, page 49, # 1046, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had on the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]

Cherokee Freedman 3-1902.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Blossom Dick as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Blossom Dick as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Blossom Dick is identified on the Cherokee [illegible] roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, [illegible] and afterward removed to [illegible], Indian Territory, [illegible] has been constantly present; and [illegible] the General Offices of the Commission [illegible] Muskogee, Indian Territory, [illegible] evidence as to whether or [illegible] in said applications were [illegible] whether or not they were entitled [illegible] date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed unless information has been obtained tending to show the status of Blossom Dick on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Blossom Dick as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1906

Cher Fr R 1129
Trans. from Cher Fr D 1183

Cher Fr R 1129

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Department of the Interior

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880

R
Cher F D 1183

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 10, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Creek Nld, page 822, # 633, Illinois District;
Note: "Creek".

E. C. Bagwell, on oath states that he is Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Ben Grayson
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Creek Ell as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Ell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Ell is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; the Cherokee Land Office opened on January 1, 1903, at Vinita, and after and removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so whether or not they were entitled to Cherokee citizenship on said date.

On July 21, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Creek Ell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Creek Ell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen
D-1183

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Creek Enrollment Division show that application has been made for the enrollment of one Creek Ell , as a Cherokee freedman. The records further show that said Creek Ell is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood , and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby
Chairman.

3879

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDING.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of November 21, (Cherokee Freedman D. 1183), requesting to be advised whether or not application has been made for the enrollment of Creek Ell as a citizen of the Creek Nation.

You are advised that it does not appear that application has been made for the enrollment of this person as a citizen of the Creek Nation under the name given.

Respectfully,

Chairman.

Cher Fr R 1130

Trans. from Cher Fr D 1184

Cher Fr R 1130

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarendon, I. T.
Are you a citizen by blood of the Cherokee Nation ?
Yes sir, I am.
For what do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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COMMISSION TO THE FIVE

Q Are there any other persons for whom you desire to make application for enrollment ?

A Further as to the following named persons on the 1896 Cherokee roll, their families and their descendants

Mills 321, page 555, # 436, Illinois District;

R
Cher F D 1184

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lila Bell, page 528, # 634, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

[redacted], [redacted].

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lila Hil as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lila Hil as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Lila Hil is identified on the Cherokee authenticated roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made, the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all [illegible] to secure evidence as to whether or not the persons whose names are included in said applications were living on [illegible] and if so, whether or not they were entitled to enrollment as citizens on said date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Lila Ell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lila Ell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen
D-1184.

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of Lila Ell as a Cherokee freedman. The records further show that said Lila Ell is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if her name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that her number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby.

Chairman.

3818

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of November 21, (Cherokee Freedman D. 1184), requesting to be advised whether or not application has been made for the enrollment of Lila Hil as a citizen of the Creek Nation.

You are advised that it does not appear that application has been made for the enrollment of this person as a citizen of the Creek Nation under the name given.

Respectfully,

Chairman.

Cher Fr R 1131

Trans. from Cher Fr D 1185

Cher Fr R 1131

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Cher F D 1135

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I-yah-sky Ell, page 528, # 635, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

[redacted] 3 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

I-yah-sky Ell as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized [redacted] and made application for the enrollment of [redacted] Ell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Ell is identified on the Cherokee [redacted] roll of [redacted] as a [redacted] freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore enumerated for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 2, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living [redacted], 1902, and if not, when they died, and entitled [redacted]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if information has been obtained tending to show the status of I-yah-sky Ell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ayahsky Ell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen
D-1163

Muskogee, Indian Territory, November 21, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one I-yah-sky Ell, as a Cherokee freedman. The records further show that said I-yah-sky Ell is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman by by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said roll.

Respectfully,

Tams Bixby
Chairman.

8879

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
4

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of November 21, (Cherokee Freedman D. 1185), requesting to be advised whether or not application has been made for the enrollment of I-yah-sky Ell as a citizen of the Creek Nation.

You are advised that it does not appear that application has been made for the enrollment of this person as a citizen of the Creek Nation under the name given.

Respectfully,

Chairman.

Cher Fr R 1132

Trans. from Cher Fr D 1186

Cher Fr R 1132

FILED
AUG 13 1982

R
Cher F D 1186

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Charles Hil, page 528, # 636, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cherokee Freedman D 1196

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Charles Ell as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Charles Ell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Charles Ell is identified on the Cherokee authenticated roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Charles Ell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Charles Ell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cherokee Freedmen
D-1166

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Charles Ell as a Cherokee freedman. The records further show that said Charles Ell is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman, or by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said roll.

Respectfully,

Tams Bixby

Chairman.

1813

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.
WM. O. BEALL
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of November 21, (Cherokee Freedman D. 1186), requesting to be advised whether or not application has been made for the enrollment of Charles Ell as a citizen of the Creek Nation.

You are advised that it does not appear that application has been made for the enrollment of this person as a citizen of the Creek Nation under the name given.

Respectfully,

Chairman.

Cher Fr R 1133

Trans. from Cher Fr D 1188

Cher Fr. R 1133

FILED
AUG 16 1932

R
Cher F D 1188

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nannie Fish, page 831, # 711, Illinois District;
Also on Wallace roll, page K 50, # 1069, Illinois District;

E. C. Bagwell, on oath states that he stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nannie Fish
as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Fish as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Fish is identified on the Cherokee [redacted] roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Nannie Fish on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nannie Fish as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 2 1905

Cher Fr R 1134
Trans. from Cher Fr D 1189

Cher Fr R 1134

FILED
AUG 16 1902

R
Cher F D 1189

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Reader Fish, page 531, # 711-1/2, Illinois District;
Also on Wallace roll, page 80, # 1670, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

[redacted] Freedman 3 1169

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Reader Fish
as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Reader Fish as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Reader Fish is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Reader Fish on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Reader Fish as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC

Cher Fr R 1135
Trans. from Cher Fr D 1190

Cher Fr R 1135

R
Cher F D 1190

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Esther Gunter, page 536, # 790, Illinois District; Adopted Cel. Also on Wallace roll, page 37, # 799, as Master Gunter, Sequoyah District;

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

D. C. Gentry
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, [redacted] persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included thereon.

During the months of August, September and October, 1902, the Commissioner to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, [illegible] the National Council of said Nation [illegible] number of which, [illegible] before [illegible] and [illegible] information [illegible] persons whose names are included [illegible] enrolling party, involving [illegible] Cherokee speaking [illegible] to the [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Esther Gunter on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Esther Gunter as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

-Core-

Muldrow I T

Sept-15-1896

Hon Commission of five Tribes

Dear Sir You will Pardon me for these few lines, I send a List of Persons names in the Cherokee Advocate whom cannot be accounted or has not been accounted for Now I Claim to have Known a few Persons whose Names appear in the List from Saquoyah Dist

Nancy Calwell | Sallie Caldwell

Mary " | Alice Simms

Corina " | A Part Cherokee

and Living in Cherokee Nation

Cynthia Chukulate (Col) Dead

James D Jackson adopted white Living

Battie Foreman Dead

Not Positive think though she is

Richard Childers (Col) Dead

Illinois District

James A. Hankins White Dead

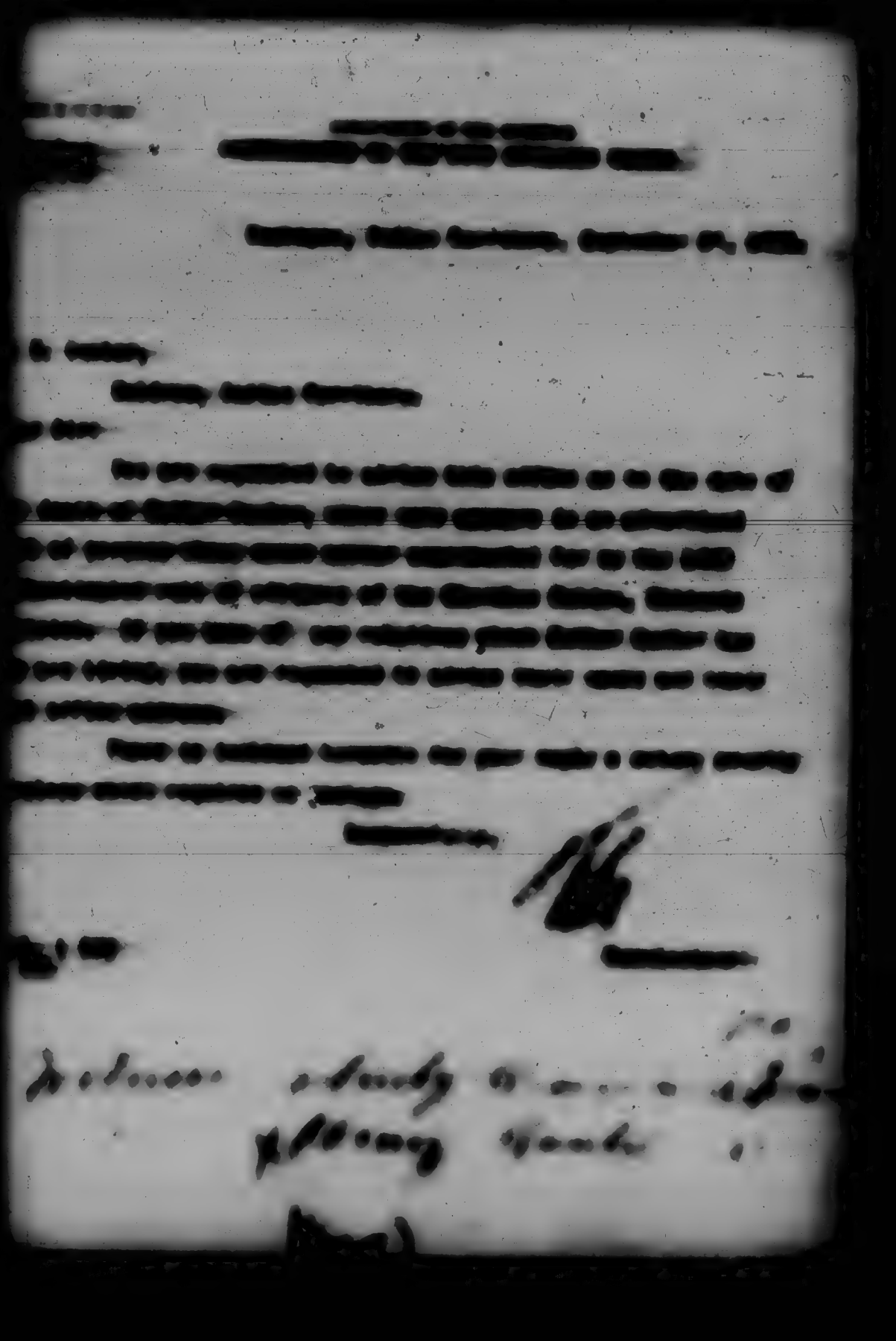
Mother Cherokee (Col) Dead

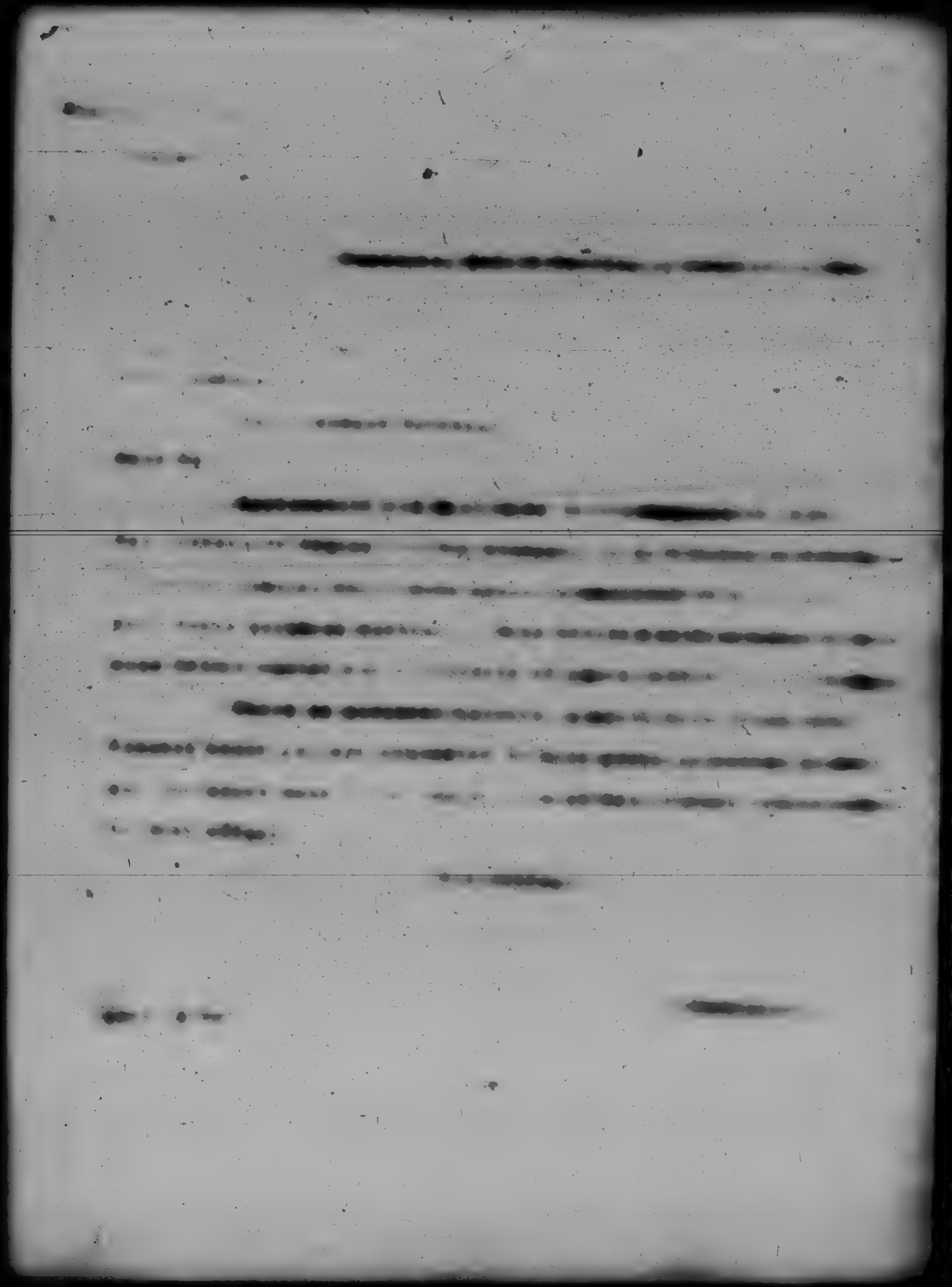
Sarah Hare age 50 I think is a Daughter of Nancy Caldwell

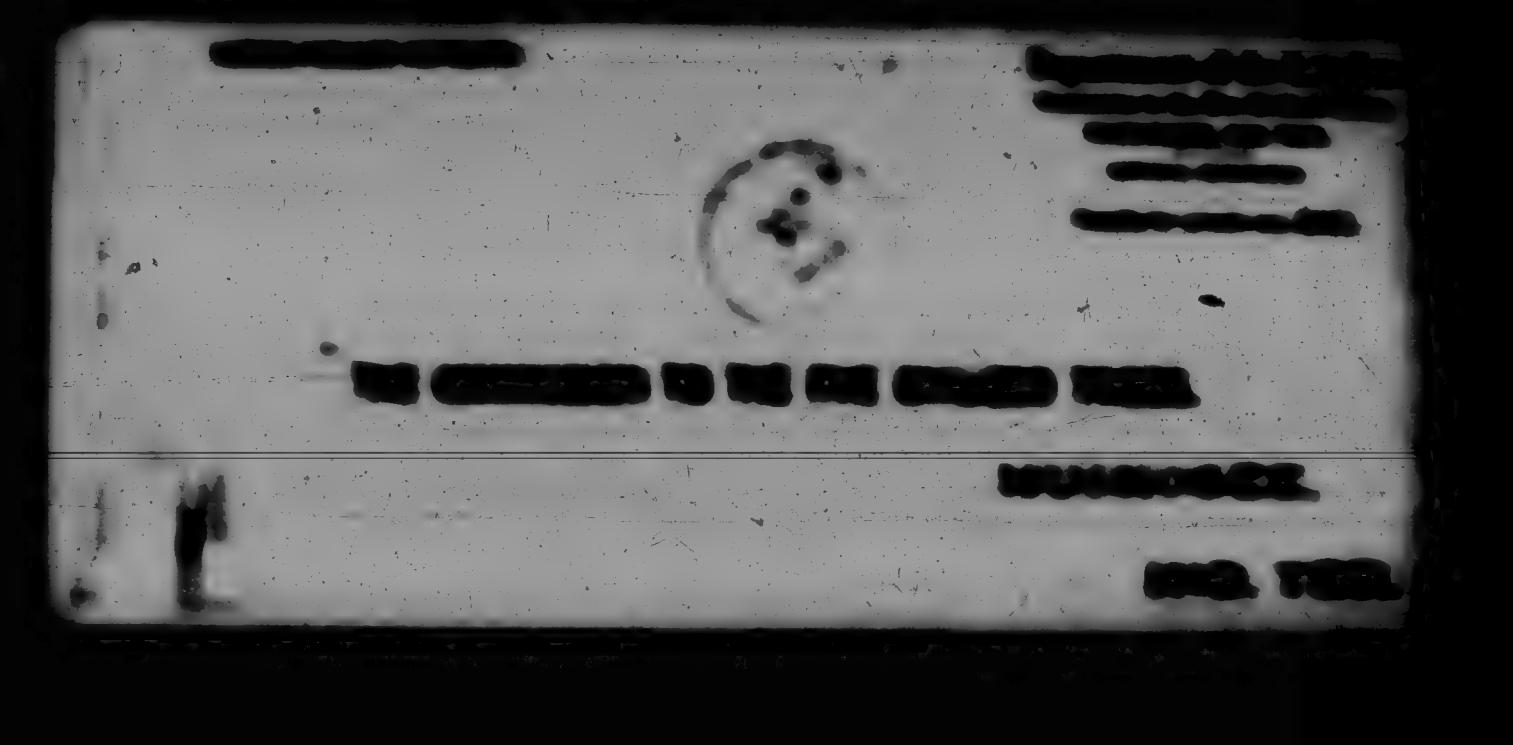
Nancy Caldwell & the above name Children are living in Saquoyah

Dist P Office is Proctor I T all Mail

(Signed) J. R. Hunter.







Chan Fr R 1136

Trans. from Chan Fr D 1171

Chan Fr R 1136

COMMISSION
FILED
AUG 26 1902

R
Cher F D 1191

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lewis Jim, page 544, # 955, Illinois District;
Jennie Jim, page 544, # 956, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lewis Jim

as a citizen of the Cherokee Nation.

-:-:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lewis Jim as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Lewis Jim is identified on the Cherokee authenticated roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Lewis Zim on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lewis Zim as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedman D 1281

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Jennie Jim as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jennie Jim as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Jennie Jim is identified on the Cherokee authenticated roll of 1880 as a Cherokee Freedman;

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed No information has been obtained tending to show the status of Jennie Jim on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jennie Jim as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1906

Cher Fr R 1137

Trans. from Cher Fr D 1192

Cher Fr R 1137

R
Cher F D 1192

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nancy Jim, page 544, # 957, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

T C Carter
Notary Public.

[redacted] Freedmen [redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Nancy [redacted]

as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee ~~authenticated~~ roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Nancy Jim on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nancy Jim as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]

Cher Fr K 1138
Trans. from Cher Fr D 1193

Cher Fr K 1138

COMMISSION TO THE FIVE

FILED

AUG 16 1902

R
Cher F D 1193

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Patsy Jim, page 544, # 958, Illinois District; Ad. Col.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me, this August 5, 1902.

Notary Public.

[redacted], [redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Patsy Jim

as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Patsy Jim as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Patsy Jim is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Patsy Jim on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Patsy Jim as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1139
Trans. from Cher Fr D 1194

Cher Fr R 1139

COMMISSION TO
AUG 26 1902

R
Cher F D 1194

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Alcy Josiah, page 545, # 962, Illinois District; Ad. Col.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[illegible] Freedman D 1288

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Aley Josiah as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Aley Josiah as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Aley Josiah is identified on the Cherokee authenticated roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed. No information has been obtained tending to show the status of Alcy Jessie on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Alcy Jessie as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1906.

Cher Fr R 1140

Trans. from Cher Fr D 1195

Cher Fr R 1140

COMMISSION
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Cher F D 1195

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Dewy John, page 545, # 963, Illinois District; Ad. Col.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] John is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Dewy John on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Dewy John as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]

Cher Fr R 1141

Trans. from Cher Fr D 1196

Cher Fr R 1141

COMMISSION
FILED
AUG 16 1982

R
Cher F D 1196

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Tub-kah John, page 545, # 964, Illinois District; Adopted Col.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted] D 1886

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Tub-kah John as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] John as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] John is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed. No information has been obtained tending to show the status of Tub-kah John on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Tub-kah John as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.



Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1142

Trans. from Cher Fr D 1197

Cher Fr R 1142

COMMISSION
RECEIVED
AUG 16 1982

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Cher FD 1197

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Daniel Josh, page 545, # 975, Illinois District; Adopted colored.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Daniel Jeen as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Daniel Jeen as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Daniel Jeen is identified on the Cherokee [illegible] roll of [illegible] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, also covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1906, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Daniel Josh on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Daniel Josh as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1143

Trans. from Cher Fr D 1198

Cher Fr R 1143

COMMISSION TO THE [illegible]
FILED
AUG 16 1982

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Cher F D 1198

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Creek Louisa, page 548, # 1018, Illinois District; Adopted colored.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Creek, Louisa as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Louisa as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Louisa is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterwards removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Creek Louisa on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Creek Louisa as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this

Cher Fr R 1144

Trans. from Cher Fr D 1199

Cher Fr R 1144

COMMISSION TO
FILED
AUG 16 1932

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Cher F D 116

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Wuttie Louisa, page 548, # 1019, Illinois District; Adopted Cel.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

J R Kewton

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Wuttie Louisa as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Wuttie Louisa as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Wuttie Louisa is identified on the Cherokee roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Wuttie Louisa on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Wuttie Louisa as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1145

Trans. from Cher Fr D 1200

Cher Fr R 1145

R
Cher FD 1200

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Charlotte Lenely, page 551, # 1075, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

Tom Rutter
Notary Public.

Cherokee Freedmen D 1896

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Charlotte Lonely as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OR THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Charlotte Lonely as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Charlotte Lonely is identified on the Cherokee [illegible] roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special surveying party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Cherokee Land Office opened on January 1, 1903, at Vinita, Indian Territory, removed to Tahlequah, Indian Territory, [illegible] continuously engaged [illegible] General Office [illegible] Commission and the [illegible] evidence as the [illegible] in said applications [illegible] whether or not [illegible] date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Charlotte Lonely on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Charlotte Lonely as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

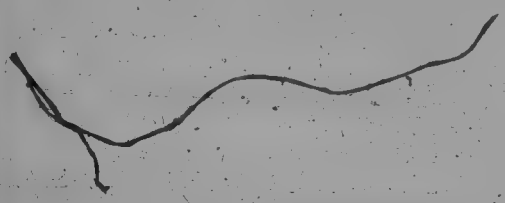
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1146
Trans. from Cher Fr D 1203

Cher Fr R 1146



R
Cher F. D-1203.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jo-kah Mixtedwater, Page 557, #1222, Illinois District.
Note: "Enrolled in '83 as Native Cherokee, #1391."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

H. E. Reuter
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names were included in said applications. A [illegible] enrolling party, traveling overland [illegible] the Cherokee Nation secured information as [illegible] at the [illegible] Land Office closed on January [illegible], at Muskogee, and [illegible] returned to Cherokee [illegible]

[illegible]

[illegible] that

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless such information had been obtained tending to show the status of Je-kah Mixtedwater on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Je-kah Mixtedwater as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this 8th

Cher. Fr. R 1147

Cher. Fr. R- 1147

Trans. from Cher. Fr. D 1204

R
Cher T. D-1204.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Mathews Mayfield, Page 559, #1280, Illinois District.
Also on Wallace Roll, Page 95, #2031, Illinois District, as Matthew Mayfield.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mathews Mayfield as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the [redacted] General Office of the Commissioner [redacted] Indian Territory, [redacted] evidence [redacted] in [redacted] date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Mathews Mayfield on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mathews Mayfield as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1148

Cher. Fr. R- 1148

Trans. from Cher. Fr. D 1205

R
Cher F. D-1205.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Ruth Ross, Page 572, #1506, Illinois District. Ad. Colored.
Also on 1896 Roll, Page 960, #482, Illinois District, Ad. Freedman.
Jess Ross, 1896 Roll, Page 960, #483, Illinois District.
Ad. Freedman.

E. C. Barrett, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. C. Barrett

Subscribed and sworn to before me this 2 day of August, 1902

[illegible]
Notary Public.

Cherokee Freedmen D 1208

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Jess Ross as a citizen of the Cherokee Nation.

ORDER.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jess Ross as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Jess Ross is identified on the Cherokee ~~authenticated~~ roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications, the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all [illegible] to secure evidence as to whether or not the persons [illegible] are included in said applications were entitled to be [illegible] and if so, whether or not they were entitled to [illegible] on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been enrolled for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of [redacted] on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of [redacted] as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at [redacted], Indian Territory,

DEC 27 [illegible]

Cherokee Freedman D 1205

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Ruth Ross as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ruth Ross as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Ruth Ross is identified on the Cherokee authenticated roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed No information has been obtained tending to show the status of Ruth Ross on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ruth Ross as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1906

Cher.Fr. R 1149

Cher.Fr.R 1149

Trans. from Cher. Fr. D 1207

B
Cher F. D-1207.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of [redacted] ET AL., for enrollment as citizens of the Cherokee Nation.

[redacted], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [redacted]
Q What is your age ? A [redacted]
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Hester Ross, Page 577, #1620, Illinois District.
Also on Wallace Roll, Page 30, #1268, Illinois District.

E. C. Barrett, [redacted], a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing [redacted] contains a true transcript of the stenographic notes thereof.

E C Barrett

Subscribed and sworn to before me this [redacted] day of [redacted] 1902.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Hester [redacted] as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Hester Rose as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Hester is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special [illegible] traveling overland, has covered the Cherokee Nation obtaining information as to these persons, at the Cherokee Land Office [illegible] January 1, 1903, at Vinita, and afterward [illegible] Indian Territory, [illegible] Application the [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Hester Ross on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Hester Ross as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1909

Cher. Fr. R 1150

Cher. Fr. R- 1150

Trans. from Cher. Fr. D 1208

R
Cher F. D-1208.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jack Sanders, Page 579, #1661, Illinois District. Adopted Colored.
Also on Wallace Roll, Page 95, #2046, Illinois District.
Winnie Sanders, Page 579, #1662, Illinois District.
Also on Wallace Roll, Page 95, #2047, Illinois District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902

Notary Public.

Cherokee Freedmen D 1288

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

ORDER.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Sanders as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Sanders is identified on the Cherokee [redacted] roll of [redacted] as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and to as whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Winnie Sanders on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Winnie Sanders as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this

Cherokee Freedman B 1208

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Jack Sanders as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmit Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jack Sanders as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Jack Sanders is identified on the Cherokee authenticated roll of 1880 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Jack Sanders on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jack Sanders as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC

Cher. Fr. R 1151

Cher. Fr. R 1151

Trans. from Cher. Fr. D 1209

COMMISSION
FILED
AUG 1
1902

R
Cher F D 1209

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

James Stealer, page 507, # 1861, Illinois District; Ad. Cel.
Also on Wallace roll, page 61, # 1510, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] as [redacted]

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee Rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission and the Commissioner to the Five Civilized Tribes have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling [illegible] covered the Cherokee Nation securing information as to these persons. At the Cherokee Land Office opened on January 2, 1903, at Muskogee and afterwards removed to Tahlequah, Indian Territory, such information has been constantly sought and since the filing of [illegible] the Chief Clerk of the Commission and the Commissioner [illegible] Territory, [illegible] obtained as to the [illegible] or any [illegible] the said applicant [illegible] matter of any [illegible] date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Jamed Steeler on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jamed Steeler as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC

Cher. Fr. R 1152

Cher. Fr. R. 1152

Trans. from Cher. Fr. D 1152

PERMISSION TO

R
Cher. F D 1211

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Aggie Talley, page 589, # 1898, Illinois District; Ad. Cel.
Also on Wallace roll, page 91, # 1938, Tah. Dist., as Aggie Tally.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Aggie Talley as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Aggie Talley as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Aggie Talley is identified on the Cherokee [illegible] roll of [illegible] as 8 Cherokee by blood.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Aggie Talley on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Aggie Talley as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1153

Cher. Fr. R 1153

Trans. from Cher. Fr. D 1212

R
Cher F D 1212

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lucy Vann, page 597, # 2060, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lucy Vann as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Vann is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to said newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless such information has been obtained tending to show the status of Lucy Vann on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lucy Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1154

Cher. Fr. R 1154

Trans. from Cher. Fr. D 1213

COMMISSION TO THE FIVE

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Cher F D 1215

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q - Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Rachel Vann, page 559, # 2116, Illinois District;
Note: "Non-citizen. Does not apply".
Also on Wallace roll, page 65, # 1383, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me, this August 5, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Rachel Vann as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Vann is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to procure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been enumerated for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Rachel Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of [redacted] as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher.Fr. R-1155

Trans. from Cher.Fr.D1214

Cher.Fr.R-1155

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Cher F D 1814

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Fannie Vann, page 600, # 2142, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

--o--

O R D E R.

IT RECORDS ON THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

IT IS EVIDENCE OF THIS FACT, SHOWN: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore enrolled or accounted for. Since those applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have obtained such information that could enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, and each and every member of which, upon request, appeared before said Commission and gave such information as he possessed relative to the identity of the persons whose names are included in said application. A special enrolling party, traveling overland, has also visited the Cherokee Nation during which information as to these persons was obtained. The Land Office opened on January 2, 1903, at Muskogee, and the records removed to Tahlequah, Indian Territory, upon which time has been constantly sought, and where the files of the Commission, the Commissioner and the Secretary to the Commissioner have been located at Tahlequah, Indian Territory, thus enabling the Commissioner to secure evidence, whether or not the persons whose names are included in the application were living when the application was made, and if so, whether or not they were entitled to enrollment as citizens of the Cherokee Nation.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Fannie Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Fannie Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1156

Trans. from Cher. Fr. D1215

-Cher. Fr. R - 1156

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Cher

F D 1215

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Harriett Wilson, page 608, # 2310, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted] Freedman D 1218

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Harriett Wilson as a citizen of the Cherokee Nation.

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O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Wilson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Wilson is identified on the Cherokee authenticated roll of [redacted] as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Harriett Wilson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Harriet Wilson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 1905

Cher. Fr. R 1157

Trans. from Cher. Fr. D 1216

Cher. Fr. R- 1157

COMMISSION TO
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Cher F D.1216

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Red Williams, page 608, # 2813, Illinois District;
Also on Wallace roll, page 67, # 1439, Illinois District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen D-1286

In the matter of the application for the enrollment of

Ned Williams as a citizen of the Cherokee Nation.

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O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ned Williams as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Ned Williams is identified on the Cherokee authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Ned Williams on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ned Williams as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]

Cher. Fr. R 1158

Cher. Fr. R 1158

Trans. from Cher. Fr. D 1217

R
Cher F D 1217

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lucy Bateau, page 630, # 394, Saline District;
Also on Wallace roll, page 40, # 858, Saline District, as Lucy Bator.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedman # 1817

In the matter of the application for the enrollment of

Lucy Ratean as a citizen of the Cherokee Nation.

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O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lucy Ratean as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Lucy Ratean is identified on the Cherokee authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been identified for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed as no information has been obtained tending to show the status of Lucy Eateau on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lucy Eateau as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1159

Trans. from Cher. Fr. D 1218

Cher. Fr. R 1159

F D 1818

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Eliza Richard, page 556, # 860, Saline District; also on Wallace roll, page 42, # 888, as Eliza Richards, Saline District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 6, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen 9 1118

In the matter of the application for the enrollment of

Eliza Richard as a citizen of the Cherokee Nation.

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O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

~~THE EVIDENCE IN THIS CASE SHOWS: That said [redacted]~~ is identified on the Cherokee authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Eliza Richard on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Eliza Richard as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1160

Cher. Fr. R - 1160

Trans. from Cher. Fr. D 12/9

R

F D 1219

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Emma Rider, page 657, # 883, Saline District; also on Wallace roll, page 42, # 897, Saline District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 5, 1902.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen D 1819.

In the matter of the application for the enrollment of

Emma Rider as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Emma Rider as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Emma Rider is identified on the Cherokee authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1904, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Emma Rider on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Emma Rider as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this , DEC

Cher. Fr. R 1161

Cher. Fr. R 1161

Trans. from Cher. Fr. D 1220

R
Cher FD-1220

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Mary Vann, page 672, #1219, Saline district, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

[redacted] Freedmen 1-[redacted].

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mary Vann , as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mary Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mary Vann is identified on the Cherokee Authenticated roll of 1880 as a Cherokee Freedman

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Mary Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1162

Trans. from Cher. Fr. D 1221

Cher. Fr. R - 1162

R
Cher F D-1221

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Horace Ward, page 677, #1309, Saline district, adopted colored; also on Wallace roll, page 42, #902, Saline district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

F F Rentis
Notary Public.

Cherokee Freedman D-1881.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Horace Ward as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Horace Ward as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Horace Ward is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Horace Ward on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Horace Ward as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 2 1905

Cher. Fr. R -1163

Cher. Fr. R- 1163

Trans. from Cher. Fr. D 1222

R
Cher FD-1222

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Richard Childers, page 87, #255, Sequoyah district, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

Notary Public.

32 7-1

IN RE
THE DEATH OF
Richard Childers
a citizen of the
Cherokee Nation.

Approved [illegible] 1905 190

Commissioner.

It appears from the within affidavits that the applicant, Richard Childers, died about the 15th or 16th day of September, 1893, it is hereby ordered that the application for the enrollment of said Richard Childers as a citizen by adoption of the Cherokee Nation be dismissed.

Commissioner.

Muskogee, Indian Territory.
DEC 7 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Richard C Childers
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided in Cherokee Nation about
Sequoyah District
(Here insert name of postoffice.)
, Ind. Ter., and died on the 15th or 16th day of
September, 1893

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, George Campbell, on oath state that I am 33
years of age and a citizen, by adoption, of the Cherokee Nation;
that my postoffice address is Elliott
(Here insert name of postoffice.)
, Ind. Ter.; that I am
a Cousin of Richard C Childers
(State relationship: as the father; an uncle; a cousin, etc. (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation
and that said Richard C Childers died on the 15th or 16th day of
(Here insert name of deceased.)
September, 1893

WITNESSES TO MARK:

George Campbell

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 16th day of November 1905.

William H. Vann
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Charles C Smith, on oath state that I am 58
years of age, and a citizen by adoption of the Cherokee Nation;
that my postoffice address is Elliott
(Here insert name of postoffice.)
, Ind. Ter.;
that I was personally acquainted with Richard C Childers
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Richard C Childers died on the 15th or 16th day of
(Here insert name of deceased.)
September, 1893

WITNESSES TO MARK:

Charles C Smith

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 16th day of November 1905

William H. Vann
Notary Public.

-COPY-

Muldrow I T

Sept-13-1905

Hon Commission of five Tribes

Dear Sir You will Pardon me for these few lines, I see a List of Persons names in the Cherokee Advocate whom cannot be accounted or has not been accounted for Now I Claim to have Known a few Persons whose Names appear in the List from Sequoyah Dist

Nancy Culwell | Sallie Culwell
Mary " | Alice Simco
Corina " | A Part Choctaw
and Living in Choctaw Nation
Cynthia Chukulate (Col) Dead
James D Jackson adopted white Living
Bettie Foreman Dead
Not Positive think though she is
Richard Childers (Col) Dead

Illinois District
James A. Hawkins White Dead
Esther Gunter (Col) Dead
Sarah Were age 30 I think is a Daughter of Nancy Culwell
Nancy Culwell & the above name Children are Living in Sequoyah Dist P Office is Brent I T all (Col)

(Signed) S. M. Gunter.

Clinton Scales (Col) Non citizen

Maggie Price Dead.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D-1222

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 27, 1905.

J. E. Gunter,

Muldrow, Indian Territory.

Dear Sir:

You are requested to advise this office as to the date of the death of Richard Childers, whose name appears in an advertised list of persons whose names appear unaccounted for on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah District. If you know of any relatives which Richard Childers has who are living, you are requested to advise their names and post office address.

There is inclosed herewith for your reply a return penalty envelope which requires no postage.

Respectfully,

Commissioner.

Incl. 1 RPE
GHL

Witness John Melton Roland
Lenis Johnson

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1222.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 25, 1905.

Lewis Johnson,

Roland, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment, as a freedman citizen of the Cherokee Nation, of Richard Childers, whose name appears unaccounted for on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah district. This office has been informed that said Richard Childers is dead and that you could probably advise the date of his death.

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed and return to this office for attention.

Respectfully,

Commissioner.

LS
Incl. 1 DA.

Cherokee Freedmen

D-1222.

Muskogee, Indian Territory, October 25, 1905.

John Melton,

Roland, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment, as a freedman citizen of the Cherokee Nation, of Richard Childers, whose name appears, unaccounted for, on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah district. This office has been advised that said Richard Childers is dead and that you could probably advise the date of his death.

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed and return to this office for attention.

Respectfully,

LS
Incl. 1 DA

Commissioner.

-COPY-

Benge I. T.

11-6/1905

Commission to Five Tribes

Sir Yours of Recent date to hand In Reguarde To Richard Childers Sir I will Say I know him Personaly but Just to the Date of his Death I am unable to tell anything about You May consult W. H. Vane of of Lenapah I. T. he Probroly May know All about it So I return yours papers unfiled to your address

(Signed) Lewis Johnson

Benge

I. T.

Cherokee Freedmen

D-1222.

Muskogee, Indian Territory, November 11, 1905.

W. H. Vann,

Lenapah, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment, as a Cherokee freedman, of one Richard Childers, whose name appears, unaccounted for, on the 1880 Cherokee roll, Sequoyah district. This office has been advised that said Childers is dead and that you could probably advise the date of his death.

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed and return to this office in order that his death may be shown upon its records.

Respectfully,

Incl. 1 DA

Commissioner.

RETURN PENALTY ENVELOPE.

This envelope can only be used for reply to official communications. The address MUST NOT be changed.

70122

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE SEP 30
OCT 2 1905

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

Cher. Fr. R- 1164

Cher. Fr. R. 1164

Trans. from Cher. Fr. D 1223

R
Cher F D 1223

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cyntha Chukelate, page 688, #278, Sequiyah district; also on Wallace roll, page 34 #717, Sequoyah district as Cynthia Chukelate

---

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

[redacted] 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Cyntha Chukelate as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Cyntha Chukelate as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Cyntha Chukelate is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Cyntha Chukelate on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Cyntha Chukelate as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

-COPY-

Muldrow I T

Sept-13-1895

Hon Commission of five Tribes

Dear Sir You will Pardon me for these few lines, I see a List of Persons names in the Cherokee Advocate whom cannot be accounted or has not been accounted for Now I Claim to have Known a few Persons whose Nam s appear in the List from Sequoyah Dist

Nancy Culwell | Sallie Culwell

Mary " | Alice Simco

Corina " | A Part Choctaw

and Living in Choctaw Nation

Cynthia Chukulate (Col) Dead

James D Jackson adopted white Living

Nettie Foreman Dead

Not Positive think though she is

Richard Childers (Col) Dead

Illimois District

James A. Hawkins White Dead

Esther Gunter (Col) Dead

Sarah Berry age 30 I think is a Daughter of Nancy Culwell

Nancy Culwell & the above name Children are Living in Sequoyah Dist P Office is Brent I T all (Col)

(Signed) J. E. Gunter.

Clinton Scales (Col) Non citizen

Maggie Price Dead.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
T D-1825

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 27, 1906.

J. E. Gunter,

Muldrow, Indian Territory.

Dear Sir:

You are requested to advise this office as to the date of the death of Cynthia Chukelate, whose name appears in an advertised list of persons whose names appear unaccounted for on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah District. If you know of any relatives which Cynthia Chukelate has, who are living, you are requested to advise their names and their post office address.

There is inclosed herewith for your reply a return penalty envelope which requires no postage.

Respectfully,

Commissioner.

Incl. 1 RPE
GHL

Wing Ginger Chukelate P O Tolltown
" C C Fry

Cherokee Freedmen

D-1263.

Muskogee, Indian Territory, October 25, 1905.

George Chukelate,

Sallisaw, Indian Territory.

Dear Sir:

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed showing the date of the death of Cynthia Chukelate, for whose enrollment as a citizen of the Cherokee Nation application has heretofore been made.

As this matter is important you are requested to give it your immediate attention.

Respectfully,

Commissioner.

IS
Incl. 1 DA

Cherokee Freedmen

D-1223.

Muskogee, Indian Territory, October 25, 1905.

C. O. Frye,

Sallisaw, Indian Territory.

Dear Sir:

Application has heretofore been made to the Commission to the Five Civilized Tribes for the enrollment, as a freedman citizen of the Cherokee Nation, of one Cynthia Chukelate, whose name appears, unaccounted for, on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah district. This office is informed that said Cynthia Chukelate is dead and that you could probably advise the date of her death.

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed, showing the date of her death, and return the same to this office.

Respectfully,

LS
Incl. 1 DA

Commissioner.

Cher. Fr. R-1165

Cher. Fr. R 1165

Trans. from Cher. Fr. D 1225

R
Cher FD-1225

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Usurga Cricket, page 690, #358, Sequoyah district, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

[redacted] 1-1[redacted].

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Usurge Cricket as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Cricket as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Cricket is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Usurga Cricket on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Usurga Cricket as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905.

Cher.Fr.R 1166

Trans. from Cher Fr.D 1226

Cher.Fr.R 1166

R
Cher FD-1226

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Hanner Johnson, page 703, #674, Sequoyah district; also on Wallace Roll, page 36, #722, Sequoyah district as Hannah Johnson, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Hanner Johnson as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Johnson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Johnson is identified on the Cherokee [redacted] roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Hanner Johnson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Hanner Johnson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905.

Cher. Fr. R 1167

Trans. from Cher. Fr. D. 1227

Cher. Fr. R 1167

R
Cher F D 1227

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cornelius Johnson, page 704, #709, Sequoyah district, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

[redacted] 2-1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Cornelius Johnson as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Johnson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Johnson is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed No information has been obtained tending to show the status of

Cornelius Johnson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of [illegible] as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1906

Cher. Fr. R-1168

Cher. Fr. R-1168

Trans. from Cher. Fr. D 1228

R
Cher

[redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cherokee Freedman D-1238.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

David Riley as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of David Riley as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said David Riley is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been enrolled for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of David Riley on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of David Riley as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen 8-1281.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Louisa Riley as a citizen of the Cherokee Nation.

---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Louisa Riley as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Louisa Riley is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Louisa Riley on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Louisa Riley as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this

Cher. Fr. R 1169

Cher. Fr. R. 1169

Trans. from Cher. Fr. D 1229

E
Cher F D - 1229

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Spaniard, page 719, #1155, Sequoyah district.
Susie Spaniard, page 719, #1156, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

Department Decision D-1889.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Susie Spaniard as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Susie Spaniard as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Susie Spaniard is identified on the Cherokee Authenticated roll of 1880. as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Susie Spaniard on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Susie Spaniard as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen D-1229.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

John Spaniard as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of John Spaniard as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said John Spaniard is identified on the Cherokee Authenticated roll of 1880. as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

John Spaniard on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of John Spaniard as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 2 1905

Cher. Fr. R 1170

Trans. from Cher. Fr. D 1230

Cher. Fr. R 1170

R.
Cher F D 1230

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nannie Spaniard, page 719, #1157, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

[redacted] 1-1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Nannie Spaniard as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Spaniard as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Nannie Spaniard on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nannie Spaniard as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1171

Cher. Fr. R 1171

Trans. from Cher. Fr. D 1231

R
Cher D 2867

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Robert Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lost Simmons #1554 Flint District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 9, 1902.

Simon R. Hollingsead
Notary Public.

R
Cher F D 1231

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lost M. Simons, page 719, #1158, Sequoyah district, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cherokee Freedmen 3-1231.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lost M. Simons as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lost M. Simons as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Lost M. Simons is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Lost M. Simons on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lost M. Simons as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R 1172

Cher. Fr. R 1172

Trans. from Cher. Fr. D 1232

R
Cher F D 1232

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Clinton Scales, page 722, #1250, Sequoyah district, adopted colored. Note: "No citizen. Suspended for examinati on. Not enrolled."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cherokee Freedman D-1252.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Clinton Scales as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Clinton Scales as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Clinton Scales is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Clinton Scales on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Clinton Scales as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

-COPY-

Muldrow I T

Sep-13-1905

Hon Commission of five Tribes

Dear Sir You will Pardon me for these few lines, I see a List of Persons names in the Cherokee Advocate whom cannot be accounted or has not been accounted for Now I Claim to have Known a few Persons whose Names appear in the List from Sequoyah Dist

Nancy Culwell | Sallie Culwell
Mary " | Alice Simco
Corina " | A Part Choctaw
and Living in Choctaw Nation
Cynthia Chukulate (Col) Dead
James D Jackson adopted white Living
Bettie Foreman Dead
Not Positive think though she is
Richard Childers (Col) Dead

Illinois District
James A. Hawkins White Dead
Esther Gunter (Col) Dead
Sarah Nero age 30 I think is a daughter of Nancy Culwell
Nancy Culwell & the above name Children are Living in Sequoyah Dist P Office is Brent I T all (Col)

(Signed) J. M. Gunter.

✓Clinton Scales (Col) Non citizen

Maggie Price Dead.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F D-1232

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 27, 1905.

J. E. Gunter,

Muldrow, Indian Territory.

Dear Sir:

You are requested to advise this office, if possible, the present post office address of Clinton Scales, whose name appears in an advertised list of persons whose names appear unaccounted for on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah District. You are also requested to, if possible, advise the names and post office addresses of any relatives of the said Clinton Scales.

There is inclosed herewith for your reply a return penalty envelope which requires no postage.

Respectfully,

Commissioner.

Incl. 1 RPE
CHL.

PO

Witness Zack Freeman, Jonnen
John Mellin Roland

Cherokee Freedmen

D-1232.

Muskogee, Indian Territory, October 25, 1905.

Zack Foreman,

Foreman, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment, as a citizen of the Cherokee Nation, of Clinton Scales, whose name appears unaccounted for on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah district. This office has been informed that said Clinton Scales is a relative of yours, and you are requested to, if possible, advise this office his present post office address.

Respectfully,

18

Commissioner.

Cherokee Fr .dmen

D-1232.

Muskogee, Indian Territory, October 25, 1905.

John Melton,

Roland, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment, as a citizen of the Cherokee Nation, of Clinton Scales, whose name appears unaccounted for on the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah district. This office has been informed that said Clinton Scales is a relative of yours, and you are requested to, if possible, advise this office his present post office address.

Respectfully,

LS

Commissioner.

(C O P Y)

Foreman, Ind. Ter.

Oct. 30th 1905

Commissioner to the five
Civilized Tribes/
Muskogee, Ind. Ter.

Sir: I received your letter in regards to Application of one Clinton Scales who claims to be relative of mines.

As far as he being relative of mine I no nothing about it. Ive been knowing him for several years. But I never new he was any relation to me whatever.

Respectfully

Zack Foreman.

RETURN PENALTY ENVELOPE.

This envelope can only be used for reply to official communications. The address MUST NOT be changed.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

Cher.Fr.R 1173

Cher.Fr.R 1173

Trans. from Cher.Fr.D 1234.

CZB

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

BUSTER, OR JOHN, VANN

as a Cherokee Freedman.

CHEROKEE FREEDMAN D 1234.

DOUBTFUL, as to wife, Sallie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T. April 8, 1901.

In the matter of the application of Lewis Crossland for the enrollment of himself, wife and eight children as Cherokee Freedmen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Lewis Crossland.
Q How old are you Mr. Crossland? A 36
Q What is your post-office? A Braggs.
Q What district do you live in? A Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled in any other Tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A (Hands Commissioner a paper)
Q Wife and eight children? A Yes sir.
Q Your wife's name Sallie? A Yes sir.
Q How old is Sallie? A 39
Q Is your wife a Cherokee Freedman? A Yes sir, said to be.
Q Has she ever been recognized as a Cherokee Freedman? A She has been on the Clifton Roll.
Q What is your father's name? A George Crossland.
Q Is he living? A Yes sir.
Q Your mother's name? A Gracie Crossland.
Q Is she living? A Yes sir.
Q What is your wife's mother's name? A Martha Battice.
Q What is your oldest child's name? A John.
Q How old is John? A 13 years old.
Q Is this the first child? A Eddie Vann, that's my wife's.
Q How old is Eddie Vann? A 17.
Q What is the next one, Myrtle? Vann? A Yes sir.
Q 15? A Yes sir.
Q Next one is John Crossland is it? A Yes sir.
Q John Crossland, 13 years old, what is the next one? A Oma Vann
Q How old is Oma Vann 13? A Yes sir.
Q What is the next one? A Johnnie Vann?
Q Ten years old? A Yes sir.
Q Next one Willie Crossland? A Yes sir.
Q 7 years old? A Yes sir.
Q Next one Martha Crossland, five years old, that right?
A Yes sir.
Q Next child George? A Yes sir.
Q Two years old, that right? A, Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 317 # 432 Lewis Crossland, Illinois District, adopted colored;
1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's wife, Sallie, and name not identified thereon.

Examined by Cherokee Rep've W. W. Hastings:

Q Is your wife on the authenticated roll of 1880, or do you know?
A Not as I know of.

1896 census roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 944 #105 Lewis Crossland, Illinois District;
1896 census roll of citizens of the Cherokee Nation examined for applicant's wife, and name not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined for applicants children, and identified as follows:
page 966 #643 Eddie Vann, Illinois District;
page 966 #644 Myrtle Vann, Illinois District;
page 966 #645 Onnie Vann, Illinois District;

Q Name Onnie or Oma? A Oma.

page 966 #646 Sonie Vann, Illinois District;

Q Who is Sonie Vann? A That's Johnnie Vann, I call him Sonnie.

page 944 #108 Johnny Crossland, Illinois District
page 944 #106 Willie Crossland, Illinois District;
page 944 #107 Martha Crossland, Illinois District.

Q How long have you lived in the Cherokee Nation? A Always
Q Were you born in the Cherokee Nation? A Yes sir.
Q Never lived out of it? A No sir.
Q Now about your wife, you say she is not on the authenticated roll of 1880? A No sir.
Q By what right does she claim citizenship? A Because her mother was---they just didn't get her on the roll.
Q Where was your wife born? A I guess she was born in the Cherokee Nation, I couldn't tell you where.
Q Has she always lived in the Cherokee Nation? A Always lived in the Cherokee Nation.
Q What did you say her mother's name was? A Martha Battice.
Q What was her name when you married her? A Vann.
Q What was her husband's name? A Johnny Vann I believe.
Q Is he living? A No sir, he is dead.
Q You were married to Sallie Vann? A Yes sir.
Q Have you got any certificate of your marriage? A Yes sir.
Q Where? A At home.
Q Who married you? A A preacher by the name of--I forget his name.
Q Is he living? A Yes sir, I think he is living.
Q Are these children that you have mentioned here all alive? A Yes sir.
Q All living with you? A Yes sir, all living with me.
Q Who was the father of the Vann children? A Johnnie Vann.
Q How long has he been dead? A He has been dead ever since the Wallace Payments

Examined by Cherokee Representative, W. W. Hastings:

Q Who was John Vann's father? A I don't know sir.

Examined by Com'r Needles:

Q Was he called Buster? A Yes sir, that was his nickname.

1880 authenticated roll of citizens of the Cherokee Nation examined for John Vann and identified as follows: page 52 #1446 John or Buster Vann, Canadian Dist, adopted col'd

Q He was your wife's first husband? A Yes sir.
Q Was he ever married to Sallie do you know? A I don't know sir
Q Anybody here know him when he was living with ~~xxxx~~ Sallie your wife? A Yes sir, there is Mr. Fields right there, he knows him.

MIKE FIELDS, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Mike Fields.
Q How old are you? A 66 years old.
Q ~~What is your post-office address?~~ A Braggs.
Q Do you know Sallie Crossland? This man's wife A Yes sir.
Q Did you know Buster Vann? A Yes sir.
Q Do you know whether Buster Vann and Sallie Crossland were ever married or not? A I don't know personally, but I heard they were.
Q Did they live together as man and wife to your knowledge and raise a family? A Yes sir.
Q Were they duly acknowledged in the community as man and wife? A Yes sir.
Q How long did you know them? A I knowed them about 15 years before he died.
Q He was living with Sallie as his wife during that time? A Yes sir.
Q Do you know whether Sallie was a citizen or not? A I couldn't say whether she was or not, I couldn't testify.
Q Do you know her father? A No sir.
Q Her mother? A I knowed her mother.
Q Was her mother a slave? A Yes sir.
Q Who was her mother's owner? A Man by the name of Ausie Brown.
Q Was he a Cherokee? A Yes sir.
Q Did you know Sallie during the war? A No sir, I never knew her until after peace.
Q You knew her mother? A Sallie's mother, I knew her, she come since you know.
Q Come after the War? A I don't know whether it was after the War or time of the War; she was taken south and I went north.
Q She was taken south? A Her mother was.
Q And you don't know when her mother came back? A No sir.
Q It was sometime after the War then that you saw her mother again? A Yes sir.
Q When she came back you don't know? A No sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Did John Vann live with this woman until his death? A Yes sir.
Q This man then didn't marry her until after John or Buster Vann's death? A Afterwards, yes sir; he died at the payment that had there at Braggs; he took sick there and died.

APPLICANT RE-CALLED, and further examined by Commissioner Needles, testified:

Q Your wife has never been recognized as a citizen has she? A By her--they never put her on.
Q She has never been recognized by the Cherokee authorities? A The Cherokee authorities has never put her on; but she got on the roll, this last roll, the last payment.
Q Did she get her Strip money? A Yes sir, this last payment we had she got that.

Kerns-Clifton Pay Roll, page 69 #1730 Sally Crossland, nee Vann, Illinois District.

Q That was the first roll she was ever on? A Yes sir. To my knowledge.
Q You stated that these Vann children and Crossland children are all alive and living with you at this time? A Yes sir.
Q And you have never lived outside the Cherokee Nation yourself? A No sir.

Com'r Needles: The name of Lewis Crossland is found upon the authenticated roll of 1880 as well as the census roll of 1896; he applies for the enrollment of his wife, Sallie, and his stepchildren, Eddie Vann, Myrtle Vann, Oma Vann and John Vann, and their names are found upon the census roll of 1896; and he avers that they are the children of John Vann alias Buster Vann, and the name of John Vann is found upon the authenticated roll of 1880 as indicated in the testimony; satisfactory proof is made as to the marriage of John Vann with his wife, Sallie Battice, now the wife of Lewis Crossland he applies for the enrollment of his own children by Sallie, his wife, namely, John Crossland, Willie Crossland, Martha Crossland and George Crossland, and the names of said children are found upon the census roll of 1896, and the name of Lewis Crossland is found upon the authenticated roll of 1880 as well as the census roll of 1896; the name of his wife Sallie is found upon the Clifton-Kerns Payment roll, but no satisfactory proof is made as to her citizenship, consequently final judgement as to the enrollment of Sallie Crossland will be suspended, and her name will be placed upon a doubtful card; said Lewis Crossland and the children enumerated herein will be listed for enrollment as Cherokee Freedmen, they having made satisfactory proof as to residence, and being duly identified according to page and number of the rolls as indicated in the testimony; when he presents satisfactory proof of the birth of his younger child, George, he also will be listed for enrollment as a Cherokee Freedman.

---:---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this April 8, 1901.

(Signed) C. R. Breckinridge.
Commissioner.

Lewis Crossland et al 5

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy, and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this September 15, 1905.

Myron White.
Notary Public

R
Cher D 1234

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Buster, of John Vann, page 730, #1445, Sequoyah district, adopted colored.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August 1902.

[illegible]
Notary Public.

C7B

Cherokee Freedmen D 1234

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Buster, or John, Vann as a Cherokee Freedman.

-:-

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of Buster, or John, Vann as a Cherokee Freedman.

The records further show that the said Buster, or John Vann died prior to September 1, 1902.

Section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS THEREFORE ORDERED: That under the provisions of the law above noted, the application for the enrollment of Buster, or John, Vann as a Cherokee Freedman, be , and the same is, hereby dismissed, without prejudice.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 7- 1905

Cherokee Freedmen COPY.

D-1234.

Muskogee, Indian Territory, October 7, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, dismissing the application for the enrollment of Buster, or John, Vann as a Cherokee freedman, he having died prior to September 1, 1902.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. S-79

Cher. Fr. R 1174

Cher. Fr. R 1174

Trans. from Cher Fr. D 1235

COMMISSION TO THE FILED

AUG 16 1902

K.
Cher P D 1235

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of [redacted] ENNIETT, et al., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [redacted] Starr.
Q What is your [redacted] ? A [redacted] years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their debscendants:

----- Betsy, page 734, #34, Tahlequah district; also on Wallace roll, page 69, #1499, Tahlequah district.
Note: "Lives with John Kelly."

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that the foregoing testimony and proceedings [illegible] taken before [illegible] and that the foregoing is a correct transcript of the testimony thereof.

E C Bagwell

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

[illegible]

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

--------- Betsey as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of ------- Betsey as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said ---------, Betsey is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of ------- Betsey on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of ------- Betsey as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher. Fr. R 1175

Trans. from Cher. Fr. D 1237.

Cher. Fr. R 1175

SION TO THE FIVE
I L E
AUG 10 1902

R
Cher F D 1237

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BOLLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Walter Beck, page 740, #273, Tahlequah district, also on Wallace roll, page 93, #1994, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of [illegible] thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August 1902.

[illegible]
Notary Public.

[redacted] Freedmen 3-1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Walter Beck as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Beck as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Beck is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Walter Beek on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Walter Beek as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1176

Trans. from Cher Fr D 1240

Cher Fr R 1176

R
Cher F D 1240

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Mary Carter, page 745, #452, Tahlequah district; also on Wallace Roll, page 72, #1544, Tahlequah district.

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mary Carter as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of

Mary Carter on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary Carter as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1177

Trans. from Cher Fr D 1241

Cher Fr R 1177

R
Cher F D 1241

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cora Carter, page 745, #448, Tahlequah district; also on Wallace Roll, page 72, #1539, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

R L Turner
Notary Public.

Cherokee Freedmen D-1561.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Cora Carter as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Carter as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of 1880 as a [redacted] freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Cora Carter on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Cora Carter as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher Fr R 1178
Trans. from Cher Fr D 1244

Cher Fr R 1178

COMMISSION TO THE FIVE

FILED
AUG 16 1902

ACTING

Cher F D 1244

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cynthia _____, page 747, # 520, Tahlequah District; also on Wallace roll, page 73, # 1557, Tahlequah District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 6, 1902.

H. D. Baird

Cherokee Freedmen 3-1244.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

---- -- Cynthia as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of ------- Cynthia as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said ------- is identified on the Cherokee ~~Authenticated~~ roll of ~~1896~~ as ~~a Cherokee Freedman~~.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of ------- Cynthia on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of ------ Cynthia as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

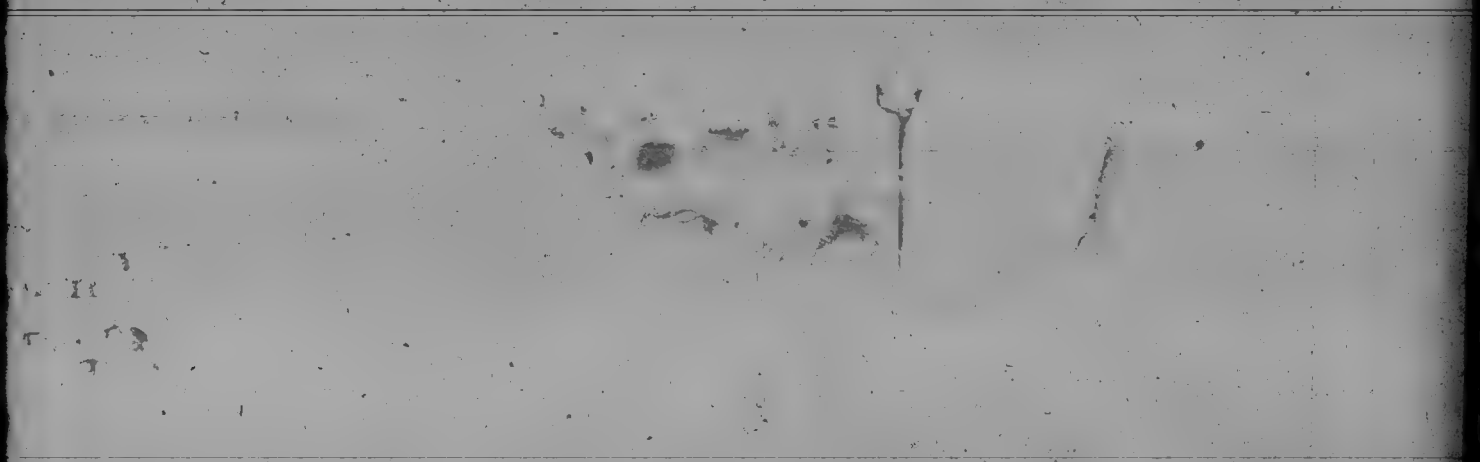
Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1179

Trans. from Cher Fr D 1246

Cher Fr R 1179



COMMISSION TO THE FIVE
RECEIVED
AUG 2002

Chor F D 1246

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of [illegible] for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty-one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Eli Daniels, page 264, # 616, Tahlequah District; also on Vallace roll, page 18, # 1818, Tahlequah District, as Eli Daniels.

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, that he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of the same and of the whole thereof.

Subscribed and sworn to before me this [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Eli Daniel as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Eli Daniel as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Eli Daniel is identified on the Cherokee [illegible] roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Eli Daniel on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Eli Daniel as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr K 1180
Trans. from Cher Fr D 1247

Cher Fr K 1180

COMMISSION TO THE FIVE C
FILED
AUG 19 1902

Cher F B 1247

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

_____ Figs-lum-ma, page 756, # 685, Tahlequah District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 6, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

O R D E R.

IT IS RECORDED OFFICIALLY: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

IT IS EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since those applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has visited the Cherokee Nation seeking information as to these persons, and the Cherokee Land Office opened on January 1, 1903, at Vinita, Ind. Ter., afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, now at Muskogee, Indian Territory, has used all diligence to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they are entitled to the rights of citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of ------- Figs-lum-ma on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of ------- Figs-lum-ma as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1181

Trans. from Cher Fr D1248

Cher Fr R 1181

Cher P D 1248

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES HERRETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Manda Griffin, page 762, # 833, Tahlequah District; also on Wallace roll, page 75, # 1414, Tahlequah District, as Amanda Griffin.

I, C. Bagwell, on oath state that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

[illegible]

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Manda Griffin as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Griffin as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Griffin is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, [illegible] been accounted for, was issued in the form of [illegible] to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Maude Griffis on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Maude Griffis as a citizen of the Cherokee Nation be, and the same is hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1182
Trans. from Cher Fr D 1249

Cher. Fr R 1182

R
Cher F D 1249

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Harry Henson, page 765, # 916, Tahlequah District; also on Wallace roll, page 76, # 1619, Tahlequah District;
Note: "Inmate of National Prison from Tah. Dist. C. N."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Harry Henson as a citizen of the Cherokee Nation.

--o--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of 1880 as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since those applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Harry Henson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Harry Henson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1183

Trans. from Cher Fr D 1250

Cher Fr R 1183

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

DARKEY HARLIN

as a Cherokee Freedman.

--:--

Cherokee Freedman D-1250.

Cher F D 1250

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Darkey Marlin, page 768, # 1023, Tahlequah District;
Note: "Said to have left the country for many years".
Also on Wallace roll, page 77, # 1640, Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 8, 1902.

Notary Public.

R.
Cher. Freed. D-1250.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of DARKEY HARLIN as a Freedman citizen of the Cherokee Nation.

DAVE ALBERTY, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Your name is Dave Alberty, you are fifty-six years old, your post office address is Manard, I. T. A Yes sir.
Q You are a recognized Freedman, are you? A Yes sir.
Q Do you know Darkey Harlin? A Yes sir.
Q Is she a Cherokee Freedman? A Yes sir. She is a Cherokee Freedman.
Q Is she about thirty-two years of age now? A Yes sir, that would be about her age.
Q Do you know her present post office address? A No sir, not since she went away from here. I don't know who she ever wrote to since she went off. Never could find out where she was.
Q Did she leave the Cherokee Nation? A She ran off for some devilment some years ago.
Q Was she a Cherokee Freedman? A Yes sir, she is a Cherokee Freedman.
Q Did you know the name of her father? A Yes sir.
Q What was it? A Tom Harlin.
Q Is he living? A Yes sir, he is living.
Q Where does he live? A Brushy, up here about Chouteau.
Q Is that in the Cherokee Nation? A Yes sir.
Q Is Tom Harlin a Cherokee Freedman? A Yes sir.
Q Do you know whether his name appears on the 1880 roll?
A Yes sir, it is on there.
Q Was he a slave? A yes sir.
Q What was his owner's name? A Harlin.
Q Was Harlin a Cherokee citizen by blood? A Yes sir, his young master lives right down here on the corner.
Q What is the name of the mother of Darkey Harlin? A Lucy Ann.
Q Is she living? A No sir, she is dead.
Q Was Lucy Ann Harlin a CherokeeFreedman? A Yes sir.
Q Was she a slave? A Yes sir, she was a slave.
Q What was her owner's name? A Her name was Mrs. Alberty, over here, this Mrs. Alberty that runs this hotel, was her mistriess.
Q Aunt Eliza Alberty? A Yes sir.
Q Is Darkey Harlin related to you? A Yes sir, she is a cousin, distant. Me and her daddy is first cousins, me and Tom Harlin.
Q How long has Darkey Harlin been out of the Cherokee Nation?
A I can't recollect, it has been a good many years.
Q Something like ten or fifteen years? A Near about that.
Q It has been more than five or six years? A Oh law, Yes sir!
Q Has she been back in the Cherokee Nation? A Never has been that anybody ever heard of. Her own people have never heard of her.
Q You hear from her people and see them occasionally? A Yes sir, and they say they never got no letter from her. They don't know where she went. She skipped the country.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 768, #1025, Darkey Harlin, Tahlequah District, adopted colored, age 10.
Note: Left country.

Wallace Roll, page 77, #1640, Tahlequah District.

Wm. Hutchinson, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 4th day of September, 1902.

John Rossen
Notary Public.

Cherokee Freedmen D-1250

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Darkey Harlin as a Cherokee freedman.

--:--

O R D E R.

It is ordered that copies of the testimony taken at Fort Gibson, Indian Territory, April 26, 1901, in the application of Thomas Harlin, et al. for enrollment as Cherokee freedmen, Case No. 672, be filed with, and made a part of the record in the application of Emmet Starr for the enrollment of Darkey Harlin as a Cherokee freedman, Case No. D-1250.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 1 1904

DEC 1 1904

(C O P Y)

STRAIGHT as to the applicant, his three children as his grand-son.

DOUBTFUL as to his wife Mary.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T. April 26th, 1901.

In the matter of the application of Thomas Harlin for the enrollment of himself , three children and a grand-son as Cherokee Freedmen, and for the enrollment of his wife Mary as an intermarried Cherokee Freedman. He being sworn by Commissioner T. B. Needles, testified as follows.

Q What is your name? A Thomas Harlin.
Q How old are you? A About 5?
Q What is your post office address? A Chouteau.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir
Q Have you ever applied for enrollment as a Freedman of any other Tribe or nation? A No, sir.
Q Have you ever drawn any money from any other tribe except the Cherokee Nation? A No, sir.
Q Have you always been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes,sir.
Q Is your name on the roll of 1880? A Yes,sir.
Q Who do you want to have enrolled besides yourself? A Got some children.
Q Got a wife? A Yes,sir.
Q Do you want to enroll her? A She is a United States Citizen
Q What is her name? A Mary.
Q What is her maiden name? A McDeed.
Q How old is she? A 35 or '6.
Q What are the names of your children? A Kizzie
Q How old? A 18.
Q Next? A Nelson.
Q How old? A 16.
Q Next? A Kinney.
Q How old? A 14.
Q Is this last one a boy or a girl? A Boy
Q The next one? A Well I have a grandson
Q What is his name? A Lee Ross
Q How old is he ? A 14
Q What is Lee Ross's mother's name? A Darcus Harlin
Q Is she living? A I dont know she has been gone 8 or 9 years.
Q Is she your daughter? A Yes,sir.
Q What was her father's name? A Bill Ross.
Q Is he living? A No,sir he is dead.

The 1880 authenticated roll of the Cherokee nation examined and the name of the applicant and also the name of the mother of the applicant's grand-son, identified thereon as follows.
Page 768, No. 1020 Thomas Harlin, Tahlequah district.
Page 768, No. 1023, Darkey Harlin, Tahlequah district.

The 1896 census roll of the Cherokee Nation examined and the names of the applicants identified hereon as follows:
Page 1310, No. 188, Thomas Harlin, Tahlequah district.
Page 1310, No. 190, Kissie Harlin, Tahlequah district.
Page 1311, No. 191, Nelson Harlin, Tahlequah district.
Page 1311, No. 192, Kinney Harlin, Tahlequah district.
Page 1320, No. 429, Lee Ross, Tahlequah district.

Q Are these children all alive? A Yes,sir.
Q Do they all live with you? A Yes,sir.
Q Was you married to Mary McDeed? A Yes,sir.
Q Have you any proof of your marriage? A Yes,sir.
Q Have you lived in the Cherokee Nation continuously since 1880?
A Yes,sir.
Q Has your wife also? A Well this is the second one I has had. I married this one six years ago, she came from Texas.
Q Who was the mother of Kizzie? A Lucy
Q Was she a Cherokee Freedman? A Yes,sir.
QQ When did she die? A 16 years ago.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's first wife identified thereon as follows:
Page 768, No. 1021, Lucy Ann Harlin, Tahlequah district.

By Com'r Needles-

The name of Thomas Harlin is found on the authenticated roll of 1880 and the census roll of 1896; he avers that he was married to his first wife Lucy Ann and her name appears on the authenticated roll of 1880, she now being deceased; and that by said marriage she had three children, Kizzie, Nelson and Kinney whose names are on the census roll of 1896. He avers that since the death of his first wife, Lucy Ann, he married one Mary McDeed, his present wife, and he files a certificate of his marriage to her and applies for her enrollment as an intermarried Cherokee Freedman; he avers that she is a non citizen. Her name does not appear on any of the rolls of the Cherokee Nation. He also applies for the enrollment of a grand son, Lee Ross, averring that said Lee Ross, is the son of Darcus Harlin, and the name of said Darcus Harlin is found on the authenticated roll of 1880 according to the page and number as indicated in the testimony, and the name of the child, Lee Ross, as found on the census roll of 1896. They are all duly identified and make satisfactory proof as to residence, consequently the said Thomas Harlin, his three children, Kizzie, Nelson and Kinney Harlin and his grand son Lee Ross will be listed for enrollment as Cherokee Freedmen. The name of his wife, Mary Harlin, nee McDeed, will be placed on a doubtful card for the further consideration of the Commission as to the rights of inter-married Freedmen.

* * * * * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 27th of April, 1901 at Fort Gibson, I.T.

(Signed) T. B. Needles.
Commissioner.

Lucy M. Bowman, being duly sworn, states that as sten grapher to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript now on file in the office of the commission at Muskogee, Indian Territory.

Lucy M Bowman

Subscribed and sworn to before me this 30 day of November 1904

Charles D. Hampton
Notary Public.

Cherokee Freedman D-1250

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Darkey Harlin as a Cherokee Freedman.

--:--

D E C I S I O N.

The record herein shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Darkey Harlin as a Cherokee Freedman. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, August 22, 1902. A copy of the testimony taken at Fort Gibson, Indian Territory, April 26, 1901, in the application of Thomas Harlin, et al., for enrollment as Cherokee freedmen, Case No. 672, is filed herewith, and made a part of the record in this case.

The evidence herein shows that the said Darkey Harlin was a Cherokee Freedman, duly enrolled on the Cherokee authenticated tribal roll of 1880, and that during the early part of her life she was a resident of the Cherokee Nation; that about the year 1890, she left said Nation and all trace of her was lost, and that her whereabouts since said date is unknown to her friends and the immediate members of her family.

An Act of Congress approved May 2, 1890 (26 Stat., 182), put in force in the Indian Territory, chapter 59 of Mansfield's Digest of the statutes of Arkansas. Section 2859 of said chapter 59, provides:

"Any person absenting himself beyond the limits of this state for five years successively shall be presumed to be dead, in any case in which his death may come in question, unless proof be made that he was alive within that time."

In Sharp v Johnson, 22 Ark. 79, 80, it was held that "By our statute, a person once resident in the state, and absent from it for five years, is presumed to be dead, unless proven to be alive within that time."

In Sensenderfer v Pac. Mut. Life Ins. Co., 19 Fed. 44, it was held that "Absence of a person alone does not raise a presumption of his death; but such absence, in connection with surrounding circumstances [illegible] of the failure by his family and friends to hear of his whereabouts [illegible] creates a very strong presumption of death, the law being satisfied with less than certainty, yet requiring a preponderance of proof."

In view of the law applicable to the facts as established by the evidence in this case, it is considered by this Commission that the said Darkey Harlin died prior to September 1, 1902.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered that the application for the enrollment of Darkey Harlin as a Cherokee Freedman be, and the same is, without prejudice, hereby dismissed, under the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1905

COPY.

Cherokee Freedmen
D-1250.

Muskogee, Indian Territory, December 2, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the testimony taken at Fort Gibson, Indian Territory, on April 26, 1901, in the matter of the application for the enrollment of Thomas Harlin, et al., as Cherokee freedmen, together with an order of December 1, 1904, signed by Commissioner Needles, making said testimony part of the record in the matter of the application for the enrollment of Darkey Harlin as a Cherokee freedman, Cherokee Freedmen D-1250.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. S-4.

COPY.

Cherokee Freedman
D-1250.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated May 13, 1905, dismissing the application for the enrollment of Darkey Harlin as a Cherokee freedman.

Respectfully,

Incl. L-4.

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-1280.

Muskogee, Indian Territory, May 13, 1903.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated May 13, 1903, dismissing the application for the enrollment of Darkey Martin as a Cherokee freedman.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. L-5.

Cher Fr R 1184

Trans. from Cher Fr D 1251

Cher Fr R 1184

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Grace Johnson, et al., as Cherokee Freedmen, consolidating the applications of:

GRACE JOHNSON	CHEROKEE FREEDMAN D 1251
MOSE ROSS	CHEROKEE FREEDMAN D 1256

FILED
1992

A
Cher F D 1256

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EGBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Egbert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Rose Ross, page 795, # 1745, Tahlequah District;

E. C. Boudinot, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Boudinot

Subscribed and sworn to before me this August 14, 1902.

B B Jones
Notary Public.

'I'll advertise for a clerk.'

'Thirty one years.' 'About one year.'

'I.' 'Clermont.' 'Clermont.'

'Are you a married man?' 'Yes.'

'Have you any children?' 'Yes.'

'How many?' 'Three.'

'Are they boys or girls?' 'Two girls and a boy.'

'What is your wife's name?' 'Mary Ann.'

'Mary Ann what?' 'Mary Ann Clermont.'

'Where does she live?' 'At 17 Pleasant Row, Somers Town.'

'Is she at home now?' 'I suppose so.'

'Then I'll go and see her directly, and tell her to come to you.'

'Thank you, sir.'

'Don't mention it.'

'Where are you going to dine?' 'I don't know.'

'Then you had better dine with me.'

'Thank you, sir.'

'Not at all.'

Cher F D 1251

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BILLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Grace Johnson, page 774, # 1159, Tahlequah District; also on Wallace roll, page 78, # 1671, Tahlequah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Grace Johnson, et al., as Cherokee Freedmen, consolidating the applications of:

Grace Johnson,	Cherokee Freedman D 1251
Mose Ross,	Cherokee Freedman D 1256.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made applications for the enrollment of Grace Johnson and Mose Ross as Cherokee Freedmen. Further evidence in the matter of said applications was submitted to this office September 20, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Grace Johnson and Mose Ross, died prior to September 1, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902, provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS THEREFOR ORDERED: That, under the provisions of the law above quoted, the applications for the enrollment of Grace Johnson and Mose Ross as Cherokee Freedmen should be, and the same are, hereby dismissed, without prejudice.

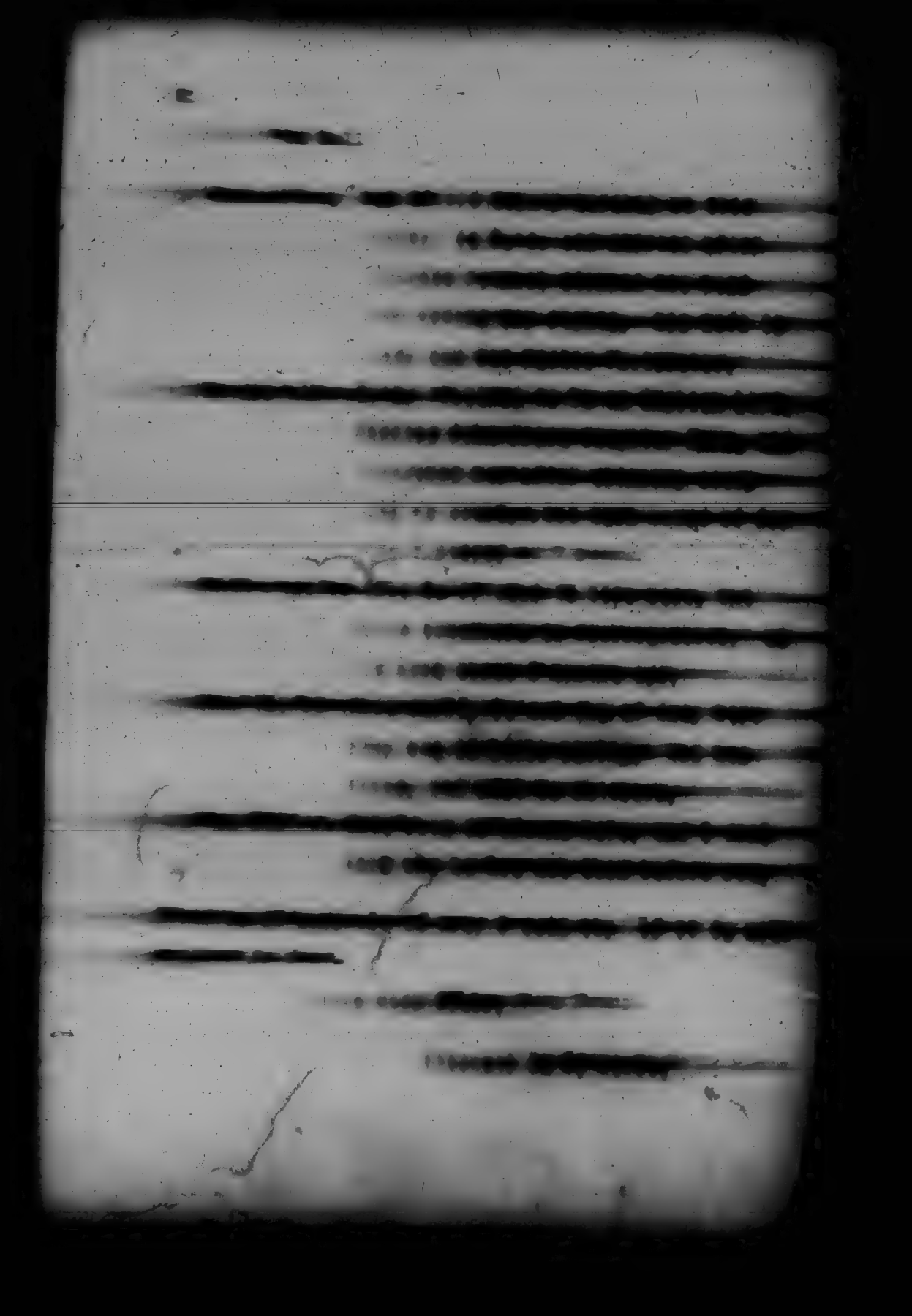
Dated at Muskogee, Indian Territory,

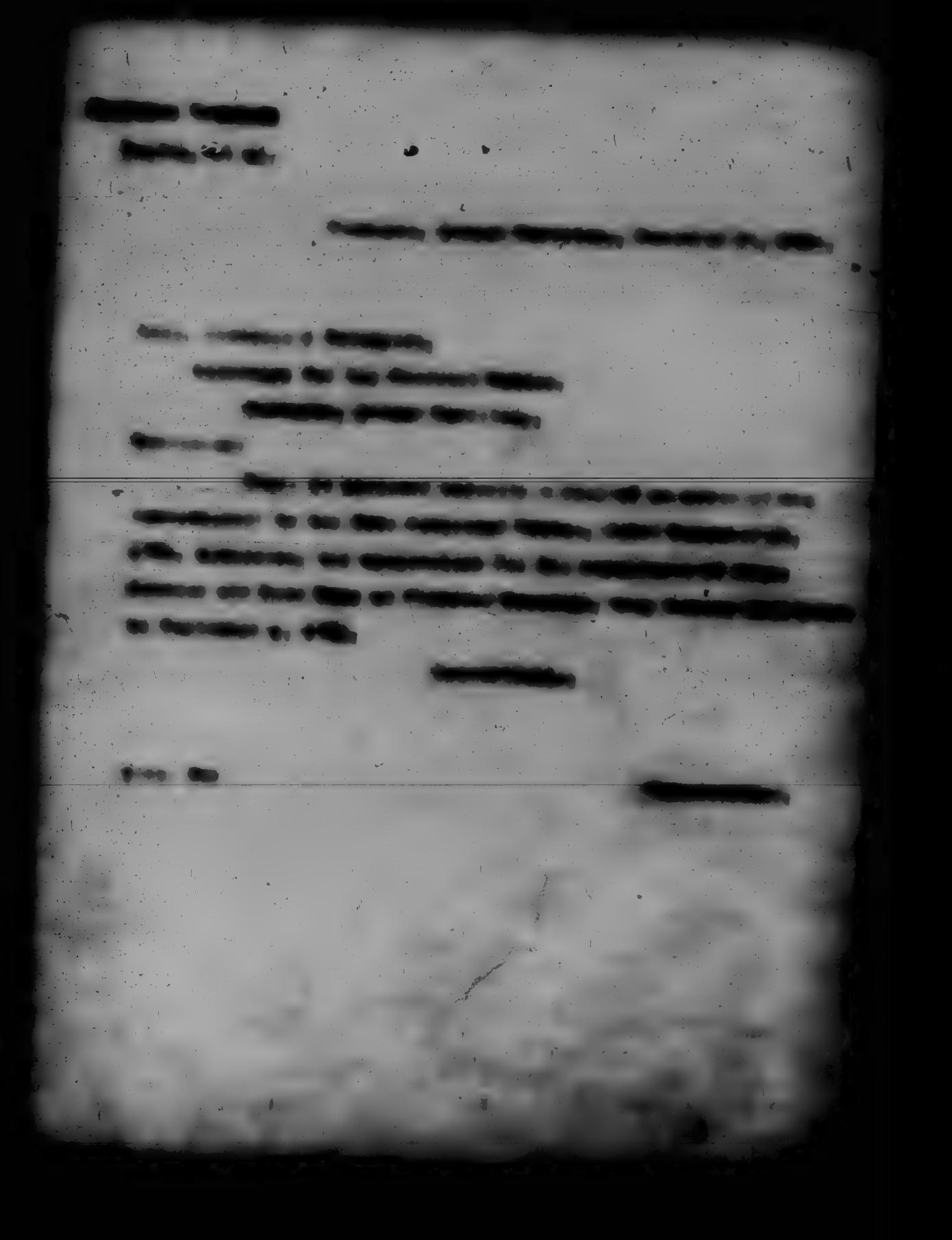
this DEC 27 1905

[redacted]

[redacted]

[redacted]





Dec 9 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES HERBERT, ET AL., for enrollment as citizens of the Cherokee Nation:

HENRY STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Henry Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For what do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

_____ Lacy, page 777, # 1348, Tahlequah District;

R. C. Bagwell, an oath stating that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

-------- Lucy as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Dunnet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Lucy as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, have used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been enrolled for, was issued in the form of a supplement to several newspapers of general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of ------ Lucy on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of ---- Lucy as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1186

Trans. from Cher Fr D 1253

Cher Fr R 1186

Enor [redacted] D [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jeff Marshall, page [redacted], [redacted], Tahlequah District.
Note: "Creek citizen, [redacted] Citizen of Creek Nation and convicted in [redacted] Dist. C. I."
Also on Bullett roll, page [redacted], [redacted], as Jeff Marshall, Tahlequah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

[redacted]
Notary Public.

R.
C. F. D-1253.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of JEFF MARSHAL as a Freedman citizen of the Cherokee Nation.

DAVE ALBERTY, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Your name is Dave Alberty, your age is fifty-six, your post office address is Manard, I. T. A Yes sir.
Q You are a recognized Cherokee Freedman, are you? A Yes sir.
Q Do you know Jeff Marshal? A Yes sir.
Q He is a man about forty-eight years of age? A Yes sir.
Q Is he a Cherokee Freedman? A He is a Creek Freedman.
Q Does he reside in the Creek Nation? A Yes sir.
Q What is his post office address? A Must be Muskogee. He lives north of Muskogee there, across the river.
Q Do you know whether or not he is enrolled in the Creek Nation?
A He is enrolled in the Creek Nation all right.
Q Got land over there? A Yessir, I have been over there. I have been to his house. He is a Creek.
Q He does not consider himself a citizen of the Cherokee Nation any more? A No sir, never did. Just put on the roll here in Jail. That is how he came to be on the roll.

1880 authenticated roll of citizens of the Cherokee nation examined, and applicant identified thereon as follows:

Page 782, #1382, Jeff Marshal, Tahlequah District, adopted colored, age 26.
Note: Creek citizen.

Wallace roll, page 80, #1715, Tahlequah District, as Jeff Marshall.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 4th day of September, 1902.

John Rossen
Notary Public.

Cherokee Freedman D 1888

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jeff Marshall as a Cherokee Freedman.

--:--

D E C I S I O N.

The record herein shows that on June 20, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Jeff Marshall as a Cherokee Freedman. Further proceedings in the matter of said application were had August 22, 1902, at Tahlequah, Indian Territory.

The record further shows that the applicant, Jeff Marshall, is included in a partial roll of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, at Number 8768, and that allotment of lands in said Nation have been made to, and accepted by, him.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jeff Marshall as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1905

Cherokee Freedmen
D-1263.

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Jeff Marshall, as a Cherokee freedman. The records further show that the said Jeff Marshall is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if his name has been placed on the final rolls of the Creek Nation as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said roll.

Respectfully,

Tams Bixby
Chairman.

(C O P Y) J J.B.

Creek F-713

Muskogee, Indian Territory, November 22, 1904

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee Freedman D. 1253 and your letter of November 21, you are advised that the name of Jeff Marshall, age 40 in 1898, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 2765

Respectfully,

(Signed) Tams Bixby
Chairman.

S.J.D. 1.03
Creek P. 713

Muskogee, Indian Territory, February 11, 1903

Commission to the Five Civilized Tribes,
Creek Department,
Muskogee, Indian Territory.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Jeff Marshall, whose name appears upon a partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, No. 2758, has, either in person or by attorney, selected and filed upon his allotment of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

Chairman

(C O P Y)

Muskogee, Indian Territory, February 14, 1906

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
General Office.

Gentlemen:

Your file No. C.F.D. 1253, Creek F. 713. The records of the Creek Allotment Division show that an allotment of land in the Creek Nation was personally selected by Jeff Marshall, Creek Freedman Roll No. 2765.

Respectfully,

(SIGNED) TAMS BIXBY
Chairman

COPY.

Cherokee Freedmen

D 1253.

Muskogee, Indian Territory, May 13, 1905.

Jeff Marshall,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-1
Register

COPY

Cherokee Freedmen

D 1253.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Jeff Marshall as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-2

COPY.

Cherokee Freedman
D 1253.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jeff Marshall as a Cherokee freedman, including the Commission's decision dated May 13, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-3

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
37651-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission, to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Jeff Marshall.

May 13, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is included in a partial list of Creek Freedmen approved by the Department March 28, 1902, at No. 3765, and that he has accepted an allotment of lands in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.
W.

W. C. F.
Y. P.
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 28684-1905.

WASHINGTON. June 5, 1905.

I: T. D. 6238-1905.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 13, 1905, you transmitted the record in the matter of the application for the enrollment of Jeff Marshall as a Cherokee freedman, including your decision of the same date, rejecting said application.

Reporting May 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedman
D-1782.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

Jeff Marshall,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-1253.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the application for the enrollment of Jeff Marshall as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-1253.

Muskogee, Indian Territory, June 26, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated May 13, 1905, rejecting the application for the enrollment of Jeff Marshall as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 5, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

U.L.1453

JUN 26 PM IND T

MUSKOGEE JUL 28 9 PM I 1905

PENALTY FOR PRIVATE USE

RETURNED TO WRITER

Jeff [illegible],

Muskogee, Indian Territory.

Cherokee Division

Muskogee.

Not Known to us

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

MAY 15 1905
MUSKOGEE, IND. TER.

Jeff Marshall,
Muskogee, Indian Territory.

3rd notice 5/29/05 -
4th "

UNCLAIMED.

Cher Fr R 1187
Trans. from Cher Fr D 1254

Cher Fr R 1187

Cher F D 1254

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jenny McCoy, page 784, # 1459, Tahlequah District;
Also on Wallace roll, page 81, # 1722, as Jennie McCoy, Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

Cherokee Freedmen D-1284.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Jenny McCoy as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jenny McCoy as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Jenny McCoy is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Jenny McCoy on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jenny McCoy as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1188
Trans. from Cher Fr D 1255

Cher Fr R 1188

Cher F D 1255

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Eve Mays, page 784, # 1489, Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Eve Mayo as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Eve Mayo as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Eve Mayo is identified on the Cherokee [illegible] roll of [illegible] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since those applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Eve ways on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Eve ways as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1189
Trans. from Cher Fr D 1256

Cher Fr R 1189

R
Cher

F B 1896

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and [illegible] descendants:

Rose Ross, page 795, # 1748, Tahlequah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. O. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Grace Johnson, et al., as Cherokee Freedmen, consolidating the applications of:

Grace Johnson, Cherokee Freedmen D 1261.
Rose Ross, Cherokee Freedmen D 1256.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That, on June 20, 1902, Emmet Story appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made applications for the enrollment of Grace Johnson and Rose Ross as Cherokee Freedmen. Further evidence in the matter of said applications was submitted to this office September 20, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Grace Johnson and Rose Ross, died prior to September 1, 1902.

Section Twenty-Five of the Act of Congress approved July 1, 1902, provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS THEREFORE ORDERED: That, under the provisions of the law above quoted, the applications for the enrollment of Grace Johnson and Rose Ross as Cherokee Freedmen should be, and the same are, hereby dismissed, without prejudice.

-COPY-

E. D. Hicks
Tahlequah, I. T.

Sept. 20, 1905.

B. C. Jones

Dear Sir:

In your published list of undetermined Cherokee Citizens I find the following in Tahlequah District, which may be of some interest to the Commission.

Hugh Holland age 60. This man is a crippled W. A. and is "Bug house" Saw him about a week ago.

Jackson Kelly age 59 W. A. and now lives near Hulburt, I. T.

Harriet Ross age 42- Freedmen, and is on '96 rolls as Harriet Johnson. Think she must be down twice.

Reese, W. A. age 67. W. A. lived here in the early 80's,- abandoned his Cherokee wife and moved to Eureka Springs Ark. Died about 2 yrs ago.

Mary Wilkerson age 48 This is probably Mary Coody wife of Jno N. who now lives at Nowata.

Grace Johnson age 51 This darkey woman was murdered in 1902 by Willie Pettit.

Rose Ross age ? This darkey died here 3/8/1902

'96 Roll

Horace Gray age 39 — Now offices deputy marshal at this place. Is W. A. and married after Cherokee Council stopped his kind from having any rights. His wife is dead, and was Hattie Whitewater.

Benjamin Lawe, age 52. — W. A. Claimed to be an English Lord. Married John Price daughter Emma, and abandoned her after skinning every body he could. Not been heard of for 6 or 7 years.

McAlester Jas. W. age 57 — This W. A. used to live here, but moved somewhere in Cooweescoowee. He was here about 2 months ago.

Maud M. Johnson, age 41 — This darkey is now the of Andy Kirkum, and is still living. She has filed, and must be on twice.

Geo. Webber, age 54. — This coon is around here, and I dont know why he has not been before you.

Thinking this may be of some use to you, I send it. If it is not no harm is done.

Yours Very Truly,

(Signed) Ed D. Hicks.

Cherokee Freedmen

D-1251, et al.

Muskogee, Indian Territory, December 27, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, dismissing the application for the enrollment of Grace Johnson and Rose Ross as Cherokee freedmen, they having died prior to September 1, 1902.

Respectfully,

Incl. S-6

Commissioner.

Cher Fr R 1190

Trans. from Cher Fr D 1257

Cher Fr R 1190

I agree to abide by the rules and regulations of the Oregon Racing Commission and the 1980

R
Cher F. D 1257

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their familes and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Betsy Rogers, page 802, # 1947, Tahlequah District, Ad. Col.
Also on Wallace roll, page 83, # 1783, Tahlequah District, as Betsey Rogers.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

B A Norris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Betsy Rogers as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Betsy Rogers as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Betsy Rogers is identified on the Cherokee ~~authenticated~~ roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the Central Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed. No information has been obtained tending to show the status of

Betsy Rogers on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Betsy Rogers as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1191
Trans. from Cher Fr D 1258

Cher Fr R 1191

Cher F D 1258

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nancy Rogers, page 802, # 1954, Tahlequah District;

E. C. Bagwell, on oath states that, as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 13, 1902.

B. L. Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Nancy Rogers as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Rogers as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Rogers is identified on the Cherokee [redacted] roll of 1880 as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Nancy Rogers on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nancy Rogers as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1192

Trans. from Cher Fr D 1259

Cher Fr R 1192

SEP 4 1932

E
Cher F D 1259

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their familes and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Sefkee, page 803, # 1994, Tahlequah District;
Minta Sefkee, page 803, # 1995, Tahlequah District;
Note: "Living in Creek Nation".
Also on Wallace roll, page 89, # 1891, Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 18, 1902.

P C Jones
Notary Public.

R.
Cher. Fr. D-1259.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 23, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of JOHN SOFKEE and others as Freedman citizens of the Cherokee Nation.

Appearances:
W. W. Hastings, attorney for Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are you? A Forty-seven.
Q What is your post office address? A Tahlequah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know John Sofkee? A I used to know him.
Q He is a man now about sixty-two years of age? A Yes sir.
Q Do you know his wife Minta? A Yes sir.
Q Are they living? A Was two years ago. I have not seen him since
Q Where do they live? A Over in the Creek Nation? A Yes sir.
Q Are they citizens of the Creek Nation? A John is.
Q Is his wife? A I don't know whether she is or not. She is a Cherokee by blood. I don't know where she is enrolled. I don't know where she claims citizenship.
Q What is John Sofkee's present post office address? A I don't know.
Q He resides in the Creek Nation? A Yes sir, the last time I seen him his place was at Choska. Whether that is his post office now or not I don't know.
Q Has John Sofkee been enrolled as a citizen of the Creek Nation? A No sir, I don't know whether he has or not. He has been living over there for twenty or thirty years.
Q Do you know whether he claims citizenship in the Cherokee Nation or not? A No sir, I don't know.
Q Was he a slave of a Cherokeecitizen? A No sir.
Q He is not a Cherokee freedman then? A No sir, his mother was a Creek. I don't know his father.
Q His mother was a citizen of the Creek Nation ? A Yes sir, I was so informed. I have known him ever since he was a small boy, and his mother was a Creek. It has been fifteen years ago since I saw hi him.
Q His wife is a Cherokee by blood? A Yes sir.
Q Do you know her father? A I don't know her father. Her people were Bowlins.
Q Do you know her mother? A Nomsir. I suppose they are some relation to that family, Watt or Katie Bowlin.
Q Has Minta Sofkee resided in the Creek Nation ever since she went over there? A Yes sir.
Q Have they some children? A Yes sir.
Q What are the names of the children? A I don't know the children I have seen several of them.
Q They have some boys? A Yes sir, nearly grown.
Q Do you know whether he has one named William/ and one Lewis?
A I think so. They were young men twelve years ago. I could not identify their names.
Q Do they reside in the Creek Nation also? A Yes sir.

This testimony will be filed with and made a part of the record in the following Cherokee Freedman doubtful cases, 1259, 1260 and 1261.

The applicants in this case are identified upon the 1880 authenticated roll of citizens of the Cherokee Nation as follows:

Page 803, #1994, John Sofkee, Tahlequah District, ad.Jr.age 10

Page 803, #1995, Minta Sofkee, Tahlequah District, adopted Freedman, age 26

Page 803, #1996, William Sofkee, Tahlequah District, adopted Freedman, age 8.

Page 803, #1997, Lewis Sofkee, Tahlequah District, adopted Freedman, age 4.

The applicants are identified upon the Wallce Roll as follows:

Page 88, #1891, Minta Sofkee, Tahlequah District.

Page 89, #1892, William Sofkee, Tahlequah District.

Page 89, #1893, Lewis Sofkee, Tahlequah District.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 9th day of September, 1903.

J. Knox Bonney
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Minta Sefkee as a citizen of the Cherokee Nation.

--:--

O R D E R.

IT RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Minta Sefkee as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Minta Sefkee is identified on the Cherokee Authenticated roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Minta Sofkee on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Minta Sofkee as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

John Sofkee as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of John Sofkee as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said John Sofkee is identified on the Cherokee ~~Intermarried~~ roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, have used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so whether or not they are entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of John Sofkes on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of John Sofkee as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen
D-1289

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of John Sofkee and Minta Sofkee as Cherokee freedmen. The records further show that said John Sofkee and Minta Sofkee, are entitled to be enrolled as Creek Freedmen.

It is requested that the Cherokee Enrollment Division be advised whether or not these parties have applied to be enrolled as Creeks, either as freedmen or by blood, and if their names have been placed on the final rolls of the Creek Nation, as citizens of said Nation, that their numbers be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby.
Chairman.

9813

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D. 1259 and your letter of November 21, requesting to be advised whether or not application has been made for the enrollment of John Sofkee a nd Minta Sofkee as citizens of the Creek Nation, you are advised that such application has not been made for said persons under the names given.

Respectfully,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D 1259

Muskogee, Indian Territory, February 6, 1905

John Sofkee,

Choska, Indian Territory.

Dear Sir:

In the matter of the application which has been made to this Commission for your enrollment, and the enrollment of other members of your family, as citizens of the Cherokee Nation, you are advised that before the Commission can render a decision in the matter of said application, it will be necessary that you appear before the Commission at its offices in Muskogee, Indian Territory, and testify relative to your right to enrollment.

As this matter is very important it should receive your prompt attention.

Respectfully,

Chairman

Further evidence
necessary ∇
requisition from
John Sofkee
Alaska
Dr
2/4-05

Department of the Interior,
Commission to the Five Civilized Tribes,
CHOCTAW-CHICKASAW ENROLLMENT.

Letter file No.

Name

Post Office

Date

Report

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



John Sofkee,

Choska, Indian Territory.

Cher Fr R 1193

Trans. from Cher Fr D 1260

Cher Fr R 1193

R
Cher F D 1260

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants: -

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

William Sorkee, page 803, # 1996, Tahlequah District;
Note: "Living in Creek Nation".
Also on Wallace roll, page 89, # 1892, Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 14, 1902.

B. B. Jones
Notary Public.

File with case of William Sofkee C.D. 1260

R.
Cher. Fr. D-1259.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., ~~Sept~~ August 23, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matterof the enrollment of JOHN SOFKEE and others as Freedman citizens of the Cherokee Nation.

Appearances:
W. W. Hastings; attorney for Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are you? A Forty-seven.
Q Whatis your post office address? A Tahlequah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know John Sofkee? A I used to know him.
Q He is a man now about sixty-two years of age? A Yes sir.
Q Do you know his wife Minta? A Yes sir.
Q Are they living? A Was two years ago . Ihave not seen him since.
Q Where do they live, over in the Creek Nation? A Yes sir.
Q Are they citizens of the Creek Nation? A John is.
Q Is his wife? A I don't know whether she is or not. She is a Cherokee by blood. I don't know where she is enrolled. I don't know here she claims citizenship.
Q What is John Sofkee's present post office address? A I don't know.
Q He resides in the Creek Nation? A Yes sir, the last time I seen him his place was at Choska. Whether that is his post office now or not I don't know.
Q Has John Sofkee been enrolled as a citizen of the Creek Nation? A No sir, I don't know whether he has or not. He has been living over there for twentyor thirty years.
Q Do you know whether he claims citizenship in the Cherokee Nation or not A No sir, I don't know.
Q Was he a slave of a Cherokee citizen? A No sir.
Q He is not a Cherokee freedman, then? A No sir, his mother was a Creek. I don't know his father.
Q His mother was a citizen of the Creek Nation' A Yes sir, I was so informed. I have known him ever since he was a small boy, and his mother was a Creek. It hasbeen fifteen years ago since I saw him.
Q His wife is a Cherokee by blood? A Yes sir.
Q Do you know her father? A I don't know her father. Her people were Bowlins.
Q Do you know her mother? A No sir. I suppose they are some relation to that family, Watt or Katie Bowlin.
Q Has Minta Sofkee resided in the Creek Nation ever since she went over there ? A Yes sir.
Q Have they some children? A Yes sir.
Q What are the namesof the children? A I don't know the children. I have seen several of them.
Q They have some boys? A Yes sir, nearly grown.
Q Do you know whether he has one named William, and one Lewis?
A I think so. They were young men twelve years ago. I could not identify their names.
Q Do they reside in the Creek Nation also A Yes sir.

File with case of William Sofkee C.D. 1260

R.
Cher. Fr. D-1259.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., Sept August 23, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of JOHN SOFKEE and others as Freedman citizens of the Cherokee Nation.

Appearances:
W. W. Hastings; attorney for Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are you? A Forty-seven.
Q What is your post office address? A Tahlequah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know John Sofkee? A I used to know him.
Q He is a man now about sixty-two years of age? A Yes sir.
Q Do you know his wife Minta? A yes sir.
Q Are they living? A Was two years ago. Ihave not seen him since.
Q Where do they live, ever in the Creek Nation? A Yes sir.
Q Are they citizens of the Creek Nation? A John is.
Q Is his wife? A I don't know whether she is or not. She is a Cherokee by blood. I don't know where she is enrolled. I don't know where she claims citizenship.
Q What is John Sofkee's present post office address? A I don't know.
Q He resides in the Creek Nation? A Yes sir, the last time I seen him his place was at Checka. Whether that is his post office now or not I don't know.
Q Has John Sofkee been enrolled as a citizen of the Creek Nation? A No sir, I don't know whether he has or not. He has been living over there for twentyor thirty years.
Q Do you know whether he claims citizenship in the Cherokee Nation or not? A No sir, I don't know.
Q Was he a slave of a Cherokee citizen? A No sir.
Q He is not a Cherokee freedman, then? A No sir, his mother was a Creek. I don't know his father.
Q His mother was a citizen of the Creek Nation? A Yes sir, I was so informed. I have known him ever since he was a small boy, and his mother was a Creek. It hasbeen fifteen years ago since I saw him.
Q His wife is a Cherokee by blood? A Yes sir.
Q Do you know her father? A I don't know her father. Her people were Bowlins.
Q Do you know her mother? A No sir. I suppose they are some relation to that family, Watt or Katie Bowlin.
Q Has Minta Sofkee resided in the Creek Nation ever since she went over there ? A Yes sir.
Q Have they some children? A Yes sir.
Q What are the names of the children? A I don't know the children. I have seen several of them.
Q They have some boys? A Yes sir, nearly grown.
Q Do you know whether he has one named William, and one Lewis? A I think so. They were young men twelve years ago. I could not identify their names.
Q Do they reside in the Creek Nation also A Yes sir.

1.

This testimony will be filed with and made a part of the record in the following Cherokee Freedman doubtful cases, 1259, 1260 and 1261.

The applicants in this case are identified upon the 1880 authenticated roll of citizens of the Cherokee Nation as follows:

Page 803, #1994, John Sofkee, Tahlequah District, adopted Freedman, age 40.

Page 803, #1995, Minta Sofkee, Tahlequah District, adopted Freedman, age 25.

Page 803, #1996, William Sofkee, Tahlequah District, adopted Freedman, age 6.

Page 803, #1997, Lewis Sofkee, Tahlequah District, adopted Freedman, age 4.

The applicants are identified upon the Wallce Roll as follows:

Page 89, #1891, Minta Sofkee, Tahlequah District.
Page 89, #1892, William Sofkee, Tahlequah District.

Page 89, #1893, Lewis Sofkee, Tahlequah District.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 9th day of September, 1902.

John D Rosson
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

William Sefkes as a citizen of the Cherokee Nation.

O R D E R.

IT APPEARS ON THE RECORDS OF THIS OFFICE AS FOLLOWS: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of William Sefkes as a citizen of the Cherokee Nation.

IT APPEARS IN THIS CASE AS FOLLOWS: That said William Sefkes is identified on the Cherokee Authenticated Roll of 1880 as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; an Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the Central Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 22, 1908, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1908, would be dismissed. No information has been obtained tending to show the status of William Sofkee on September 1, 1908.

IT IS THEREFORE ORDERED: That the application for the enrollment of William Sofkee as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen
D-1860

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that a plication has been made for the enrollment of one William Sofkee , as a Cherokee freedman. The records further show that said William Sofkee is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Tams Bixby.
Chairman.

8813

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee Freedman D. 1260 and your letter of November 21, requesting to be advised whether or not application has been made for the enrollment of William Sofkee as a citizen of the Creek Nation, you are advised that such application has not been made for said person under the name given.

Respectfully,

Chairman.

Cher Fr R 1194
Trans. from Cher Fr D1261

Cher Fr R 1194

Cherokee Nation, ss.

To the Clerk of the District Court within and for the Cherokee Nation:

You are hereby commanded to issue summons for the defendants:

Cherokee Nation, ss.

To the Clerk of the District Court within and for the Cherokee Nation:

You are hereby commanded to issue summons for the defendants:

R
Cher

F D 1261

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., [illegible]

In the matter of the application of [illegible], ET AL., for enrollment as citizens of the Cherokee Nation.

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible].
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their familes and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lewis Sofkee, page 803, # 1997, Tahlequah District;
Note: Living in Creek Nation".
Also on Wallace roll, page 89, # 1893, Tahlequah District;

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that he correctly reported the testimony and proceedings had in the above entitled matter, and that the foregoing is a true and correct transcript of his shorthand notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 24th day of [illegible], 1902.

R L Jones
[illegible].

File with case of William Sofkee CFS 1261

R.
Cher. Fr. D-125.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 23, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of JOHN SOFKEE and others as Freedman citizens of the Cherokee Nation.

Appearances:
W. W. Hastings, attorney for Cherokee Nation:

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are y u? A Forty-seven.
Q What is your post office address? A Tahlequah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know John Sofkee? A I used to know him.
Q He is a man now about sixtytwo years of age? A Yes sir.
Q Do you know his wife Minta? A Yes sir.
Q Are they living? A Xxxxxxx. Was two years ago. I have not seen him since.
Q Where do they live, over in the Creek Nation? A Yes sir.
Q Are they citizens of the Creek Nation? A John is.
Q Is his wife? A I don't know whether she is or not. She is a Cherokee by blood. I don't know where she is enrolled. I don't know where she claims citizenship.
Q What is John Sofkee's present post office address?
A I don't know.
Q He resides in the Creek Nation? A Yes sir, the last time I seen him his place was at Choska. Whether that is his post office now or not I don't know.
Q Has John Sofkee been enrolled as a citizen of the Creek Nation?
Q No sir, I don't know whether he has or not. He has been living over there for twenty or thirty years.
Q Do you know whether he claims citizenship in the Cherokee Nation or not? A No sir, I don't know.
Q Was he a slave of a Cherokee ci izen? A No sir.
Q He is not a CherokeeFreedman then? A No sir, his mother was a Creek? I don't know his father.
Q His mother was a citizen of the Creek Nation? A Yes sir, I was so informed. I have known him ever since he was a small boy, and his mother was a Creek. It has been fifteen years ago since I saw him.
Q His wife is a Cherokee by blood? A Yes sir.
Q Do you know her father? A I don't know her father. Her people were Bowlins.
Q Do you know her mother? A No sir, I suppose they are some relation to that family, Watt or Katie Bowlin.
Q Has Minta Sofkee resided in the Creek Nation ever since she went over there? A Yes sir.
Q Have they some children? A Yes sir.
Q What are the names of the children? A I don't know the children, I have seen several of them.
Q They have some boys? A Yes sir, nearly grown.
Q Do you know whether he has one named William, and one Lewis?
A I think so. They were young men twelve years ago, I could not identify their names.
Q Do they reside in the Creek Nation also? A Yes sir.

This testimony will be filed with and made a part of the record in the following Cherokee Freedman doubtful cases, 1259, 1260 and 1261.

The applicants in this case are identified upon the 1880 authenticated roll of citizens of the Cher kee Nation as follows

Page 803, #1994, John Sofkee, Tahlequah District, adopted Freedman, age 40.

Page 803, #1995, Minta Sofkee, Tahlequah District, adopted Freedman, age 25.

Page 803, #1996, William Sofkee, Tahlequah District, adopted Freedman, age 6.

Page 803, #1997, Lewis Sofkee, Tahlequah District, adopted Freedman, age 4.

The applican ts are identified upon the Wallace Roll as follows

~~Page 89, #1891, Minta Sofkee, Tahlequah District.~~

Page 89, #1892, William Sofkee, Tahlequ h District.

Page 89, #1893, Lewis Sofkee, Tahlequah District.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 9th day of September, 1902.

John L Rogers
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
[redacted] as a citizen of the Cherokee Nation.

---:---

O R D E R.

IT RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Sofkee as a citizen of the Cherokee Nation.

IT EVIDENCE IN THIS CASE SHOWS: That said [redacted] Sofkee is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since those applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, and the [redacted] member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling [redacted] Nation seeking information [redacted] Cherokee Land Office opened [redacted] removed to Tahlequah [redacted] constantly acquiring [redacted] Central Office of the Commission [redacted] Muskogee, Indian Territory, [redacted] evidence as to [redacted] in said applications [redacted] whether or not they were entitled [redacted] date.

-2-

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers for general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Lewis Sofkee on September 1, 1905.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lewis Sofkee as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible] 1905

Cherokee Freedmen
D-1261

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Lewis Sofkee, as a Cherokee freedman. The records further show that said Lewis Sofkee is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's a proval of said rolls.

Respectfully,

Tams Bixby.

Chairman.

1879

Commissioners:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1904.

Commission to,the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee Freedman D. 1261 and your letter of November 21, requesting to be advised whether or not application has been made for the enrollment of Lewis Sofkee as a citizen of the Creek Nation, you are advised that such application has not been made for said person under the name given.

Respectfully,

Chairman.

Cher Fr R 1195
Trans. from Cher Fr D 1262

Cher Fr R 1195

R.
Cher F D 1262

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1906.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Isabell Smith, page 312, # 2274, Tahlequah District,
Also on Wallace roll, page 88, # 1886, Tahlequah District,
as Isabella Smith.

E. C. Bagwell, me duly sworn, that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1906.

[illegible]

Notary Public.

Cherokee Freedman 3-1868.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Isabell Smith as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Isabell Smith as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Isabell Smith is identified on the Cherokee Authenticated roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they are entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Isabell Smith on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Isabell Smith as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1196
Trans. from Cher Fr D 1265

Cher Fr R 1196

RUN TO THE FIRE

FILED

AUG 30 1902

R
Cher F D 1265

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Isaac Vann, page 7, # 51, C. R., Coowescoowee District; Ad. Col.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

B C Jones

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Isaac Vann as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Isaac Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Isaac Vann is identified on the Cherokee [redacted] roll of 1880 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of

Isaac Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Isaac Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1197
Trans. from Cher Fr D 1266

Cher Fr R 1197

R
Cher F D 1266

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Liza Walker, page 29, # 114, C. R., Saline District; Ad. Col.
Note: "Residing with Mehaly Bean".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 18, 1902.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lina Walker as a citizen of the Cherokee Nation.

O R D E R.

IT RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Walker as a citizen of the Cherokee Nation.

IT IS EVIDENCED BY THIS CASE SHOWN: That said Lina Walker is identified on the Cherokee [illegible] roll of 1896 as a [illegible].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said Tribes and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons upon whose behalf were included in said applications were living on September 25, 1902, and if so, whether or not they were entitled to Cherokee [illegible] on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Liza Walker on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Liza Walker as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this

Cher Fr R 1198

Trans. from Cher Fr D 1267

Cher Fr R 1198

R
Cher F D 1267

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Gus Drew, page 97, # 2, Canadian District; Freedman adopted: also on Kern-Clifton roll, page 61, # 1525, Canadian District, as Gussie Drew;
Ola Drew, page 97, # 3, Canadian District; Freedman adopted; also on K-C roll, page 61, # 1524, Canadian District, as Allie Drew.
Jennie Drew, page 97, # 4, Canadian District; Freedman adopted; also on Kern-Clifton roll, page 51, # 1526, Canadian District;
Note: "Creek citizens. Mose Drew father".

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 13, 1902.

B C Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORD OF THIS OFFICE SHOWS: That on June 30, 1902, Ennet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said is identified on the Cherokee roll of as a

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes was located in offices at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each house member of which, upon request, appeared before said officers and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Dawes Commission Land Office opened on January 1, 1902, at Vinita, and afterwards removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they are entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Jennie Drew on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jennie Drew as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Ola Drew as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ola Drew as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Ola Drew is identified on the Cherokee Census roll opposite as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Ola Drew on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ola Drew as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedmen 2-2607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Gus Drew as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Gus Drew as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Gus Drew is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Gus Drew on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Gus Drew as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1199

Trans. from Cher Fr D 1271

Cher Fr R 1199

R
Cher F D 1271

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLET, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty two years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes Sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lucinda White, page 98, # 35, Canadian District; Adopted Freedman;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, E. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. Bagwell

Subscribed and sworn to before me this August 16, 1902.

B. L. Jones
Notary Public.

[redacted] 8-1671.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lucinda White as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] White as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Lucinda White is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since those applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to those persons. The Cherokee Land Office opened on January 1, 1903, at Vinita, was shortly removed to Tahlequah, Indian Territory, where it has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner to the Five Civilized Tribes has been at Muskogee, Indian Territory. This office has available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the perrons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Lucinda White on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lucinda White as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1200

Trans. from Cher Fr D 1272

Cher Fr R 1200

R
Cher F D 1272

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Jane A. Burgis, page 397, # 42, Cooweescoowee District; Ad. Colored;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, C. Bagwell, an official stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcription of my stenographic notes thereof.

C. C. Bagwell

Subscribed and sworn to before me this August 12, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Jane A. Burgis as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] A. Burgis as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] A. Burgis is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Jane A. Burgis on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jane A. Burgis as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1201

Trans. from Cher Fr D 1273

Cher Fr R 1201

R
Cher F D 1273

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Otha Brown, page 397, # 72, Cooweescoowee District; Ad. Colored;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 18, 1902.

Notary Public.

[redacted] D-1273.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED [redacted].

In the matter of the application for the enrollment of

Otha Brown as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Brown as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Brown is identified on the Cherokee [redacted] roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed if no information has been obtained tending to show the status of Otha Brown on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Otha Brown as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1202

Trans. from Cher Fr D 1274

Cher Fr R 1202

R
Cher F D 1274

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mame Campbell, page 399, # 103, Cooweescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 18, 1902.

[illegible]
Notary Public.

Cherokee Freedmen 9-1274.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Name Campbell as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Name Campbell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Name Campbell is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

2.

On July 24, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information had been obtained tending to show the status of [redacted] on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of [redacted] as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1203

Trans. from Cher Fr D 1275

Cher Fr R 1203

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment as a Cherokee Freedman, of - - - - - -

L I Z Z I E F O S T E R, - - - - - C. F. D. 1275.

-oOo-

R
Cher F D 1275

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lizzie Foster, page 403, # 157, Coowescoowee District, Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

Notary Public.

C T D - 1225

IN RE
THE DEATH OF
Lizzie Buffington (Coon Footing)
a citizen of the
Cherokee Nation.

Approved JAN 16 1905 190

Commissioner.

Rec. Dec 1-04

FILED
JAN 16 1905
COMMISSION TO FIVE TRIBES.

FILED
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lizzie Buffington, nee Foster
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Lenapah (Here insert name of post office), Ind. Ter., and died on the 19th day of

February, 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Reuben Buffington, on oath state that I am 28 years of age and a citizen, by Claimant, of the Cherokee Nation; that my post office address is Lenapah, (Here insert name of post office) Ind. Ter.; that I am

Husband (State relationship as: the father; an uncle; a cousin, etc.) of Lizzie Buffington nee Foster, (Here insert name of deceased)

Freedman who was a citizen, by Adoption, of the Cherokee Nation; and that said Lizzie Buffington nee Foster (Here insert name of deceased) died on the 19th day of

February, 1901 Reuben Buffington

WITNESSES TO MARK:

(Must be Two Witnesses) J. M. Woodward

L. G. Woodward

Subscribed and sworn to before me this 29th *day of* October *1901*

Charles M. Woodward

My Com Expires Sept. 21st, 1907 *Notary Public.*

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, W. J. Lowe, on oath state that I am 40 years of age, and a citizen, by Adoption, Freedman, of the Cherokee Nation; that my post office address is Lenapah, (Here insert name of post office) Ind. Ter.; that I was personally acquainted with Lizzie Buffington, nee Foster (Here insert name of deceased) who was a citizen by Adoption, Freedman, of the Cherokee Nation; and that said Lizzie Buffington nee Foster (Here insert name of deceased) died on the 19th day of

February, 1901 W. J. Lowe

WITNESSES TO MARK:

(Must be Two Witnesses) J. M. Woodward

L. G. Woodward

Subscribed and sworn to before me this 29th *day of* October *1901*

My Commission Expires Sept. 21st, 1907 Charles M. Woodward *Notary Public.*

Cherokee Freedmen
D-1275.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Lizzie Foster, as a Cherokee Freedman.

---: D E C I S I O N :---

It appears from the record herein that on June 30, 1902, Emmet Starr appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of Lizzie Foster, as a Cherokee Freedman.

It further appears that said applicant died on February 19, 1901.

Section 25 of the Act of Congress approved July 1, 1902, (32 Stats., 716), provides:-

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is therefore ordered that the application made for the enrollment of Lizzie Foster, as a Cherokee Freedmen, be, and the same is, hereby, dismissed without prejudice.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

APR 20 1905

COPY.

Cherokee Freedmen
R-275

Muskogee, Indian Territory, November 2, 1904.

Reuben Buffington,

Lenapah, Indian Territory.

Dear Sir:

The Commission is in receipt of affidavit executed by you on October 29, 1904, showing the death of your wife, Lizzie Buffington, on February 19, 1901.

In reply you are advised that an examination of the records of the Commission fails to disclose that application has ever been made to it for the enrollment of the said Lizzie Buffington as a Cherokee freedman. You are further advised that this Commission is now without authority to receive applications for enrollment in said Nation.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Chas K.

C 728/1275

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDING.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1905.

Ruben Buffington,

Lenapah, Indian Territory.

Dear sir:

On November 1, 1904, the Commission received from you an affidavit executed on October 29, 1904, showing the death of your wife, Lizzie Buffington, on February 19, 1901.

At the time you appeared before the Commission at Nowata Indian Territory, on June 24, 1901, and made application for the enrollment of yourself and your child, Ruth, you stated that your wife was dead and that her maiden name was Lizzie Foster.

There is listed from information on Cherokee Freedmen card number D-1275, one Lizzie Foster, age on July 1, 1902, 33 years and whose name appears upon the 1896 Cherokee Census roll in Cooweescoowee District, opposite number 187. The Commission desire to know whether or not this party is the person to whom the death affidavit has reference, and suggest that you appear before the Commission at its offices in

Muskogee, Indian Territory, in the near future in order that the Commission may determine this matter.

Respectfully,



Chairman.

Reuben Burrington appeared on Mch 6/05 and states ~~that~~ applicant on Card C 7201 was his wife and ~~that she died~~ in 1901. Affidavit of death filed Jan 16/05

COPY.

Cherokee Freedmen
D-1275.

Muskogee, Indian Territory, April 20, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated April 20, 1905, dismissing the application for the enrollment of Lizzie Foster as a Cherokee freedman, she having died prior to September 1, 1902.

Respectfully,

Incl. 8-72.

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-1275.

Muskogee, Indian Territory, April 20, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission to the Five Civilized Tribes, dated April 20, 1905, dismissing the application for the enrollment of Lizzie Foster as a Cherokee freedman, she having died prior to September 1, 1902.

Respectfully,

Incl. S-73.

(SIGNED) Tams Bixby.
Chairman.

Cher. Fr. R. 1204

Trans. from C. Fr. D. 1276

Cher. Fr. R. 1204

Cherokee Freedman D-1278.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Annie Foster as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Annie Foster as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Annie Foster is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Annie Foster on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Annie Foster as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

R
Cher E F B 1276

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Annie Foster, page 403, # 160, Cooweescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

H F Trate
Notary Public.

Cher. Fr. R. 1205

Trans. from C. Fr. D. 1277

Cher. Fr. R. 1205

Cherokee Freedman D-1277.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mattie Foreman as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mattie Foreman as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mattie Foreman is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Mattie Foreman on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mattie Foreman as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

R
Cher F D 1277

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mattie Foreman, page 405, # 211, Cooweescoowee District, Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 19, 1902.

Notary Public.

Cher. Fr. R. 1206
Trans. from C. Fr. D. 1278

Cher. Fr. R. 1206

Cher F D 1278

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Luther Gibson, page 406, # 231, Coowescoowee District; Freedman citizen; Also on K-C roll, page 23, # 575, Coowescoowee District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendents:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 12, 1902.

H H Luther
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Luther Gibson as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Luther Gibson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Luther Gibson is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 14, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Luther Gibson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Luther Gibson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1207

Trans. from Cher. Fr. D. 1279

Cher. Fr. R. 1207

R
Cher R F D 1279

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JESSE BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Minnie Harrison, page 407, # 242, Cooweescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 18, 1902.

Notary Public.

[redacted]

[redacted]
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Minnie Harrison as a citizen of the Cherokee Nation.

—:—

ORDER.

IT APPEARING TO THE COMMISSIONER: That on June 28, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Minnie Harrison as a citizen of the Cherokee Nation.

IT APPEARING FROM THE EVIDENCE: That said Minnie Harrison is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 28, 1902, in behalf of the above named applicant, included all persons then living and entitled upon the Cherokee rolls of 1880 and 1896, and therefore [redacted] for. Since these applications were made the Commissioner, to the Five Civilized Tribes, has diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes established headquarters at Tahlequah, the Capital of the Cherokee Nation, [redacted] the National Council of said Nation was in session, each and every member of which, upon request, appeared before said Commission and gave such information as he possessed regarding the identity of the persons whose names are included on said [redacted] enrolling party, traveling [redacted] Nation seeking information as to the [redacted] Land Office opened on January 2, 1903, at [redacted] removed to Tahlequah. [redacted] constantly sought; and since that time all of the [redacted] General Office of the Commission and the [redacted] Muskogee, Indian Territory, [redacted] evidence as to whether or not the persons [redacted] in said applications were living on September 1, 1902, and whether or not they are entitled to [redacted] date.



[redacted]

[redacted]

[redacted]

In the matter of the application for the enrollment of

Bertie Hughes as a citizen of the Cherokee Nation.

-i-

O R D E R.

IT APPEARING TO THE COMMISSION: That on June 20, 1902, [redacted] appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Bertie Hughes as a citizen of the Cherokee Nation.

IT FURTHER APPEARING TO THE COMMISSION: That said Bertie Hughes is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 20, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that could enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation making inquiries as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and after said removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, Lee and at Muskogee, Indian Territory, have used all available means to secure evidence as to whether or not the persons above named are included in said applications were living on September 1, 1902, and if so, whether or not they are entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Bertie Hughs on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Bertie Hughs as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1209

Trans. from C. Fr. D. 1281

Cher. Fr. R. 1209

R
Cher F D 1281

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Amanda Maddin, page 410, # 312, Cooweescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

Notary Public.

Cherokee D-1281

Muskogee, Indian Territory, December 18, 1902.

William Madden, Jr.,

Chelsea, Indian Territory.

Dear Sir:-

In further reply to your letter of December 12, relative to the right of Amanda Maddin to be enrolled as a Cherokee Freedman, you are advised that the records of this Commission do not show that she has ever made personal application for enrollment. Her name has been listed from information, upon a doubtful card.

You are requested to inform this person that, until she appears before the Commission and gives personal testimony as to her right to enrollment, her application will not be complete. Such testimony can be given before the Cherokee Land Office of this Commission at Vinita, Indian Territory, any time after January 5, 1903.

Respectfully,

Acting Chairman.

[redacted] 3-1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Amanda Maddin as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Maddin as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Maddin is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Amanda Waddin on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Amanda Waddin. as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1210

Trans. from C. Fr. D. 1282

Cher. Fr. R. 1210

R
Cher y D 1282

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Rachell Rogers, page 418, # 510, Cooweescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he is a stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Rachell Rogers as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Rachell Rogers as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Rachell Rogers is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Rachell Rogers on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Rachell Rogers as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1211

Trans. from Cher. Fr. D. 1283

Cher. Fr. R. 1211

A
Cher F D 1285

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of [illegible] BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible] Starr.
Q What is your age ? A [illegible] one years.
Q What is your post office address ? A Chamoore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Joseph Roach, page 416, # 447, Cooweescoowee District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, [illegible] Ark., stenographer to the Commission to the Five Civilized Tribes, reported the testimony and [illegible] and that the foregoing is a [illegible] of his stenographic notes thereof.

[illegible] Bagwell

Subscribed and sworn to before me this [illegible] 1902.

[illegible] Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Joseph Roach as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted]

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. At the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed. No information has been obtained tending to show the status of Joseph Rench on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Joseph Rench as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1212

Trans. from C. Fr. D. 1284

Cher. Fr. R. 1212

R
Cher
F D 1284

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Annie Rogers, page 418, # 518, Cooweescoowee District; Freedman citizen;
Note: "Creek citizen".

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 18, 1902.

H H Trentow
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Annie Rogers as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Annie [redacted] is identified on the Cherokee [redacted] roll of 1896 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Annie Rogers on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Annie Rogers as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1213

Trans. from Cher. Fr. D. 1285

Cher. Fr. R. 1213

R
Cher F D 1285

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Thomas Ross, page 418, # 530, Cooweescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 15, 1902.

Notary Public.

Cherokee Freedmen D- [illegible].

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Thomas Rose as a citizen of the Cherokee Nation.

-:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Thomas Rose as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Thomas Rose is identified on the Cherokee Census roll of [illegible] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed in information has been obtained tending to show the status of

Thomas Ross on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Thomas Ross as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1214

Trans. from Cher. Fr. D. 1286

Cher. Fr. R. 1214

R
Cher F D 1286

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

May Vann, page 422, # 582, Coowescoowee District; Freedman citizen;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 18, 1902.

Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
[redacted] as a citizen of the Cherokee Nation.

ORDER.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified as the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before [redacted] in office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling [redacted] was also there to assist the Cherokee Nation seeking information as to these persons. In the Cherokee Land Office [redacted] July 1, 1903, at Vinita, [redacted] after [redacted] removed to [redacted] Commission has been [redacted] Muskogee, [redacted] Capital [redacted] Muskogee, [redacted] Indian Territory.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been enrolled, copy was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information would be received prior to December 1, 1905, would be dismissed in the absence of information having been obtained tending to show the status of May Vann on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of May Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1215

Trans. from Cher. Fr. D. 1288

Cher. Fr. R. 1215

R
Cher F D 1288

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee Roll, their families and descendants:

Kate Lynch #78 Delaware District .

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath stated that he is stenographer to the Commission to the Five Civilized Tribes; that he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 3, 1902.

B C Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
[redacted]
as a citizen of the Cherokee Nation.

:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, [redacted] appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, and therefore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. Special [illegible] Land [illegible] removed [illegible] consideration [illegible] Council [illegible] Muskogee, [illegible] Indian [illegible] Agent [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Kate Lynch on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Kate Lynch as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher. Fr. R. 1216

Trans. from Cher. Fr. D. 1289

Cher. Fr. R. 1216

R
Cher F D 1289

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Glaremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Nancy Lynch #82 Delaware District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

T D Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

For [redacted]:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Lynch as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared at said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special [illegible] traveling interpreter, [illegible] the Cherokee Nation seeking information as to these persons at the Cherokee Land Office [illegible] and [illegible] and [illegible] referred to [illegible] constantly [illegible] Central Office of [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Nancy Lynch on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nancy Lynch as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1217

Trans. from Cher. Fr. D. 1291

Cher. Fr. R. 1217

R
Cher F D 1291

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Ella Crossland #116 Illinois District;
Martha Crossland #117 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B A Jones
Notary Public.

Cherokee Freedmen 2-1771.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

---;---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Crossland as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Crossland is identified on the Cherokee [redacted] roll of 1896 as a [redacted] freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has scoured the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and as to whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Ella Crossland on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ella Crossland as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

[redacted] Freedmen D-2201.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Crossland as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Crossland is identified on the Cherokee [redacted] roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the General Office of the Commission and the Commissioner thereof at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names were included in said applications were living on September 1, 1902, and to as whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Martha Crossland on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Martha Crossland as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1218

Trans. from Cher. Fr. D. 1293

Cher. Fr. R. 1218.

R.
Cher F D 1293

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

William Mayfield #394 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B. B. Jones
Notary Public.

[redacted] Freedmen 3-591.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

William [redacted] as a citizen of the Cherokee Nation.

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O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of William Mayfield as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said William Mayfield is identified on the Cherokee [redacted] roll of 1896 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session; each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; the U.S. Indian Land Office opened at Tahlequah, [redacted] Miles, and afterward removed to Tahlequah, [redacted] has been constantly sought [redacted] said applications, the General Office of the [redacted] Commissioner, located at Muskogee, Indian Territory, [redacted] evidence as to [redacted] in said applications [redacted] whether or not [redacted] said rolls.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of William Mayfield on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of William Mayfield as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1219

Trans. from Cher. Fr. D. 1295

Cher. Fr. R. 1219

Cher F B 1295

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

KELLY STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Kelly Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Flanagaye, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Moses Have #404 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that he reported the testimony and proceedings had in the above entitled matter, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible]

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

---:---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore enrolled for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of [redacted], September and October, 1906, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session. Many a member of [redacted] tribe, by request, [redacted] such information as he possessed [redacted] persons whose names are included [redacted]

On July 22, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Moses Reve on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Moses Reve as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1220

Trans. from Cher. Fr. D. 1297

Cher. Fr. R. 1220

R
Cher F D 1897

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Ellis M. Powers #434 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this December 2, 1902.

B Adams
Notary Public.

Cherokee Freedmen D-1197.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Ellis M. Powers as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ellis M. Powers as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Ellis M. Powers is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Ellis M. Powers on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ellis M. Powers as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1221

Trans. from Cher. Fr. D. 1298

Cher. Fr. R. 1221

Cher: F D 1298

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1900.

In the matter of the application of JAMES BRIANT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1895 Cherokee roll, their families and descendants:

Ellen Payne #441 Illinois District;
Robert Payne #442 Illinois District;
Mary Payne #443 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 8, 1900.

B F Jones
Notary Public.

Cherokee Freedmen D- 1298.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Ellen Terrell (nee Payne), et al., as Cherokee Freedmen.

On October 12, 1904, the applicant was notified by registered mail and on Octo er 25, 1904, the attorneys for the Cherokee nation were notified by letter, that the application for the enrollment of Ellen Terrell (nee Payne), and her two minor child ren, Robert and Mary Payne, as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorney for the Cherokee Nation to introduce any testimony they might desire affecting said application. ~~Receipt has been acknowledged of the Commission's letter.~~

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o:O: o-o-o-:O:-o-o-

H.M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedimgs had in the above cause on the 17th day of November, 1904, and t hat the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904

Charles H. Sawyer
Notary Public.

FILED
MAR 27 1905
COMMISSION TO FIVE TRIBES.

C. F. D. 1298.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1905.

In the matter of the application for the enrollment of Ellen Payne, as a Cherokee Freedman.

On this, March 20, 1905, this case coming on to be heard; the applicant appearing through her Agent, I. P. Bledsoe, and the Nation by its Attorneys, Bell, Hastings & Davenport.

Comes now the Representatives of the Cherokee Nation and move that this case be closed for the reson that this case was set down for hearing upon this date, and there is no reason shown why the same should be continued, and the applicant and her attorney notified.

(Case Closed.)

Josie Davies, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported all proceedings had in the above entitled cause on said date and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Josie Davies

Subscribed and sworn to before me this March 27, 1905.

Myron White
Notary Public.

Cherokee Freedmen-D-1898.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 6, 1905.

In the matter of the application for the enrollment of Ellen Payne et al. as Cherokee Freedmen.

The Commission, of its own motion, continues this case to April 20, 1905, for the protection of the minors in the case, there being no appearance made by the applicants on this day.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the proceedings had in the above entitled cause on the 6th day of April, 1905, and that the above and foregoing is a full and complete record of said proceedings had on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 11th. day of April, 1905

Myron White
Notary Public.

Notary Public.

FILED
MAR 17 1905.
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1898.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 7, 1905.

In the matter of the application for the enrollment of Ellen Payne as a Cherokee Freedman.

Ellen Payne, being duly sworn, testified as follows:

Q. What is your name? A. Ellen Payne.
Q. What is your post office address? A. Braggs.
Q. What District? A. Illinois.
Q. How old are you? A. 43.
Q. Have you two children called Robert and Mary? A. Yes sir.
Q. Are they both living? A. No sir, Mary is dead.
Q. When did she die? A. She has been dead two years in February.
Q. Wasn't it three years? A. Two.
Q. Were you a slave? A. No sir, my mother was. I was born in slavery time.
Q. What was the name of your father? A. Thomas Still.
Q. Is he living? A. No sir.
Q. What District did he live in? A. UI coulon't tell you what District he lived in.
Q. Was he a slave? A. Yes sir, he was the slave of George Still.
Q. Was George Still a Cherokee Indian? A. Yes sir.
Q. What was the name of your mother? A. Harriet Woodall.
Q. Is she living? A. No sir.
Q. When did she die? A. She has been dead as near as I can come at it 22 or 23 years.
Q. Was she a slave? A. Yes sir.
Q. Whose slave was she? A. George Woodall's.
Q. Who was the father of Mary and Robert? A. Jackson Payne.
Q. Is he a Cherokee Freedman? A. Yes sir.
Q. Was he a slave? A. No sir, he is a descendant of a slave.
Q. You were not born a slave? A. I was born in slavery time.
Q. Where were you born? A. In Flint.
Q. Do you remember about the war? A. No sir, I was too small.
Q. Your name is what, now? A. Ellen Payne.
Q. Haven't you married again? A. Yes sir, I married Terrell since me and Payne parted.
Q. When did you marry Terrell? A. About three years ago.
Q. Is it over three years? A. About three years, as near as I can say it.
Q. Do you know whether you were taken out of the Nation during the war? A. No sir, I was not.
Q. Was your mother taken out? A. Not that I know of.
Q. As long as you can remember, where did your mother live? A. In Flint.
Q. In the Cherokee Nation? A. Yes sir.
Q. Did she live anywhere else? A. Somewhere only on Grand River.

Q. You were born in the Cherokee Nation? A. Yes sir.
Q. Always lived there? A. Yes sir, only I lived in Muskogee.
Q. Did you ever live in Kansas or Arkansas. A. No sir.
Q. How many times have you been married? A. Twice.
Q. What was your first husband's name? A. Jackson Payne.
Q. Was he a Freedman? A. Yes sir.
Q. Were you married by a preacher? A. Yes sir.
Q. What was his name? A. I have forget his name.
Q. Have you a certificate? A. No sir.
Q. When did you last see this preacher? A. I have not seen him for a good while. He left Fort Gibson.
Q. Who was the father of these children? A. Jackson Payne.
Q. Were you living together as man and wife when these children were born? A. Yes sir.
Q. Where were they born? A. One was born the other side of Fort Gibson a few miles, and the other one was born at Braggs.
Q. Is Mary dead? A. Yes sir.
Q. When did she die? A. She has been dead about two years.
Q. It is necessary for you to file with the Commission evidence of the death of this child. Have it sworn to before a Notary Public. A. Yes sir.
Q. Jackson Payne appeared before the Commission in March, 1901, and he testified that his wife's name was Elnora, and that he had no children. What do you know about that? A. I was his wife at that time. He sometimes called me Elnora.
Q. What made him say he had no children? A. I don't know. I guess he was mad. He would say anything when he was mad.
Q. When did you and Jackson Payne separate? A. I don't remember what year it was, but it was on the 28th. day of February about five years ago.
Q. Did you get a divorce from him? A. Yes sir.
Q. Where did you get a divorce? A. He wrote out something on a piece of paper and gave it to me himself, and called it a divorce. We were separated four years, and then I married. He has been married twice since we parted.
Q. Now you are married to a man by the name of Terrell? A. Yes sir, and we are parted.

WITNESS EXCUSED.

I. P. Bledsoe, being duly sworn, testified as follows:

Q. What is your name? A. I. P. Bledsoe.
Q. You are an adopted Cherokee citizen? A. Yes sir.
Q. How old are you? A. 58.
Q. What is your post office address? A. Checteau.
Q. Do you know the applicant, Ellen Payne? A. Yes sir.
Q. How long have you known her? A. Ever since the Freedmen enrollment---since '94.
Q. What do you know with respect to her husband and children? A. I knew Jackson Payne, and I know that there was some dispute about the children, but I have forgotten what it was.

WITNESS EXCUSED.

An examination of the tribal rolls of the Cherokee Nation shows that on the 1896 roll, Illinois District, are found the names of Jackson Payne, 440, Ellen Payne, 441, Robert Payne, 442, and Mary Payne, 443.

This case will be held open until March 20, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled case on the 7th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said case on said date.

Eula Jeanes Branson,

Subscribed and sworn to before me this the 17th. day of March, 1905.

Notary Public.

FILED
MAR 1 5 1905

FILED
APR 24 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1298.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 20, 1905.

In the matter of the application for the enrollment of Ellen Payne et al. as Cherokee Freedmen.

On this, the 20th. day of April, this case was called and no appearance made by the applicants. The case will be continued to April 27, 1905.

Eula Jeames Branson, being duly sworn, states that, as Stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 20th day of April, 1905, and that the above and foregoing is a full and complete record of said proceedings.

Eula Jeames Branson

Subscribed and sworn to before me this the 22nd. day of April, 1905.

Myron Hitt
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
OCTOBER 10, 1906.

Enrollment-1014.

In the matter of the application for the enrollment of Joe Bishop, as a Creek Freedman.

APPEARANCES: Irwin Donovan, attorney for Applicant.
John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

ELLEN TERRILL being first duly sworn by Henry G. Hains, a Notary Public, testified as follows, to-wit:

Questions by Commissioner:

Q: What is your name? A: Ellen Terrill.
Q: How odl are you? A: 43.
Q: What is your post-office address? A: Braggs.
Q: Are you known by any other name than Ellen?
A: I have a nick-name they call me Elnora sometimes.
Q: Have you ever had any other name than Terrill?
A: Yes sir.
Q: Where did you get the name of Terrill?
A: I was married to Terrill.
Q: What was his name? A: W. M. Terrill.
Q: Was he a citizen of any of the Five Nations?
A: No sir.
Q: A negro, was he? A: Yes sir.
Q: What was your name before it was Terrill? A: Payne.
Q: Where did you get that name? A: I married him.
Q: What was his name? A: Jackson Payne.
Q: What was your name before it was Payne? A: Marshall.
Q: Where did you get that name? A: I married it.
Q: Married a man named Marshall, what was his name?
A: Budkin Marshall.
Q: What was your name before it was Marshall? A: Still.
Q: Where did you get that name? A: My father's name.
Q: What was your father's name? A: Tom Still.
Q: What is your mother's name? A: Harriet Woodall.
Q: Are either of your parents living? A: No sir.
Q: Have you ever made application for enrollment as a citizen in the Cherokee Nation? A: Yes sir. Only I disremember now what year it was, but it was the year they was enrolling in the Cherokee Nation at Fort Gibson at the time of the big payment.
Q: About 10 years ago? A: I disremember how many years it was, but that is when it was.
Q: When Kern Clifton was paying them off? A: Yes sir.
Q: Under what name did you make application for enrollment?
A: Payne.

Q: Did you make application for enrollmentfor anybody else besides yourself? A: Joe. My boy Robert. Theycall him Joe by his Uncle's name but his right name is Robert.
Q: Did you apply for anybody else at that time? A: Mary.
Q: Did you ever make application for the enrollment of yourself or anybody else in any other Nation? A: Nos ir.
Q: Is this Joe or Robert you speak of, your oldest child?
AL No sir, Mary is the oldest one.
Q: Where did you live before you went to Braggs?
A: Before I went to Braggs I lived right here in Muskogee a good while I worked here.
Q: Did you ever live at 905 Market Street? A: Yes sir, I stayed with Mrs. Thurman.
Q: A white woman? A: No sir she is a colored woman, I stayed with her a while, while her husband was away.
Q: Have you seen your boy Joe or Robert recently?
A: No sir I haven't saw him--let's see, I disremember just now---I think it was in May, I believe.
Q: Of this year? A: Yes sir. That is when I saw him last when I left him here, I was sick already, I got so I couldnt work and went in the country. H e went away with the races.
Q: Do you mean May of this year? A: Yes sir.
Q: How old was Joe at that time? A: You mean my boy?--He is 19 years old.
Q: What kind of looking boy was he, is he small?
A: He is a small, spare man, dark skinned, very dark.
Q: What was the condition of his health at that tim e?
A: He had been burned very bad, but of course I don't think it taken any effect on his health but it left him lame in his arm and leg.
Q: Didn't he have any sores on his face or body?
A: Yes, they healed up but they left scars on his neck and face and arms and pretty much all ever.
Q: You say he was here at the time of the races?
A: Yes sir he was running the faces at the time I last saw him. I heard he left and went to Denison, and I heard he was back here since, but I was in the Cherokee Nation and didn't see him.
Q: What was the name of his father? Alex Bishop.
Q: Were you married to his father? A: No sir.
Q: Never went by the name of Bishop, did you?
A: No sir, I never went by that name, he wasn't married to me.
Q: Did you have any other children by Alex? A: No sir, just that one.
Q: Is Alex Bishop living? A: No sir.
Q: When did he die? A: Well I was told last year that he died, I think it was along in the summer, I think somebody told me he was dead about 2 years but I disremember now what month it was. They told me he had been dead about 2 years then.
Q: Well did you separate from him after Joe was born?
A: Yes sir.
Q: How long afterwards? A: Oh Jo e was about 4 months old.
Q: Didn't live with Alex after that? A: No sir.
Q: Did you ever see him after that? A: Yes sir.
Q: Do you know the name of his wife? A: His wife what he married?---No sir, I don't know hername.
Q: Do you know whether Alex was married or not?
A: No sir, I don't know whether he was married to her or not.
Q: Do you know whether he was married to anybody in his life-time? A: No sir, I don't know whether he was or not.

Q: Do you know the names of any women he had children by?
A: No sir, this woman he had, this last one I heard he had one child by her.
Q: What is her name? A: I don't know what her name is, I never learned hername at all, I never saw her.
Q: Did you ever hear what the name of the child was he had by her? A: I heard it was Joe.
Q: Did you take Joe with you then, when you separated from Alex? A: Yes sir.
Q: How long did he stay with you? A: He stayed with me all the while until he was 4 years old and then he became to be sickly, and then when I left, Alex's mother took him to doctor him, that is his grand-mother, she was a doctor and I let hertake care of him.
Q: What was her name? A: Anneky Thomas.
Q: How long did he stay with her? A: A year. She died and I went and got him.
Q: How long did he stay with you then? A: Until he was 9 years old and he run off from me then, following the race horses.
Q: Do you know how long he stayed away? A: As near as I can come at it he was 9 years old when he left and he was 19 years old when he came back.
Q: Did you see him during those years?
A: No sir, I don't know where he was, I don't know whether he was living or not until he came home to me.
Q: Do you know whether any money was ever drawn for Joe from the Creek Nation, for your boy? A: Yes sir, one payment was, I think it was twenty-nine dollars and a half. Wiley McIntosh drew that for him.
Q: Do you know when that was drawn? A: I don't know what year itwas.
Q: What makes you say you think Wiley McIntosh drew it for him
A: I know he did draw it, he drew it and gave it to me at Okmulgee, they taken his name and enrolled it, and when the money was paid out at Okmulgee, they drew the money and gave it to me. I was living right here in this town in the South part.
Q: Who drew the money? A: Wiley McIntosh and Gabriel Jimmison.
Q: How do you know? A: They told me they drew it.
Q: Did they say who they drew it for? A: My boy.
Q: Joe or Robert? A: Yes sir, they put his name down Joe.
Q: Do you know whether Joe or Robert was here at that time?
A: Was, at that time he was with me.
Q: But you never tried to have Joe enrolled in the Creek Nation
A: No sir. I wanted to have his name enrolled once at the time they was enrolling the Creeks here at the Court-house and they had to have numbers and the numbers had to be called, and Alex, his father was living and he told me to come on and have him enrolled, and I said why don't you have him enrolled with you, and he said No, I didn't ever have anything to do with him and I would rather have you enroll for him, and he went with me and when they asked me for my number, they asked was I a Cherokee citizen or a Creek and I said a Cherokee citizen and they said you can step aside, and I will tend to him when I tend to you, and I whispered to Alex and said when you get on you try to get him on with you, and he did and gave the number and they said is his mother a Cherokee or a Creek, and he said a Cherokke and they said well he will have to go with his mother, and when I went to the Cherokke Nation, I didn't have any trouble and got him on with me.

Q: Were you present when that payment was made? You were not, were you? A: Whihh payment? I was here in town, I wasn't out there, I was here in Muskogee.
Q: You don't know which one drew that money, Wiley McIntosh or Gabriel Jimmison, do you? A: I can't say emphatically which one one of them drew it, it was between Wiley McIntosh and Gabriel and they came to me and Gabriel handed me the money.
Q: You don't know whether they knew that the name was on the roll or not? A: They said it was.
Q: Inwhat way it down? A: They put it down in his father's name they told me as Joe Bishop.
Q: Do you know Ketto Lovett? A: No sir, I don't.
Q: Do you know William Drew? AP No sir, I don't know him.
Q: Do you know Patsy Postoak? A: No sir.
Q: Do you know Kellop Merrill? A: Well slightly acquainted with him.
Q: Do you know whether he drew that money? A: No sir, I dont
Q: For Joe? A: No sir, I don't know whether he did or not.
Q: How old was Joe at the time you say they came and brought you money, 29 dollars and something?
A: 4 years old.
Q: And he was living with you at that time? A: Yes sir.
Q: Where? A: Here in this town, the south part of Muskogee.

Q: How many times have you been married, Ellen?
Q: Do you know howmany times you have been married?
A: 3 or 4 times, I guess.
Q: What was the name of your first husband?
A: My first husband was named---well I wasn't married to the first husband, they wasn't marrying then, we just taken up with each other, I took up with a man by the name of Dan Campbell, I wasn't lawfully married to him though.
Q: Who was the next man you took up with? A: Alex Bishop.
Q: Then who was the next? A: The next I married that was Budkin Marshall.
Q: Who was the next one? A: Jackson Payne.
Q: Then who was the next man? A: William Terrill.
Q: Then who was the next one? A: That is all
Q: Now when did you begin to live with Dan Campbell?
A: Well I don't know sir, I was about 16 I guess
Q: How long did you live with him? A: I didn't stay with him long he whipped me because I couldn't work and I couldn't.
Q: Did you have any children by him? A: One.
Q: What was the name of that child? A: Frank. Frank Campbell
Q: Is he living? A: No sir.
Q: Was Dan Campbell a citizen of the Creek Nation?
A: He said he was.
Q: Do you know where Dan Campbell is now? A: No sir.
Q: Now your next man was Alex Bishop? A: Yes sir.
Q: How long did you live with him? A: About a year.
Q: How long after you quit living with Dan Campbell before you took up with Alex Bishop? A: Oh, about 2 years
Q: Did you have any children by Alex Bishop? A: Joe Robert.
Q: Is that is name, Joe Robert? A: Robert Bishop is his right name and they always called him Joe and afterwards I called him Joe, too, but his right name is Robert.
Q: You say you lived with Alex Bishop about a year? A: Yes sir
Q: How long did you live with him after Joe was born?
A: He was about 3 or 4 months old.

Q: Well how long after you quit living with Alex Bishop before you married Jackson Payne? A: About 3 years.
Q: How long did you live with him? A: 6.
Q: 6years? A: Yes sir.
Q: Did you have any children by him? A: No sir.
Q: Is Jackson Payne living? A: Yes sir.
Q: How long before you and Jackson Payne separated before you lived with Terrill? A: A year and six months.
Q: How long did you live with him? A: About 5 years.
Q: Did you have any children by him? A: No sir.
Q: How many children are you the mother of? A: Four.
Q: What are their names? A: I had three for Budkin Marshall, named William, the other one named Mary and Zeno, that was the last one.
Q: Which was the oldest of the four children? A: Mary.
Q: Is Mary living? A: No sir.
Q: When did she die? A: Mary has been dead about 4 years now, as near as I can come at it.
Q: Did you say that Budkin Marshall was the father of Mary?
A: Yes sir.
Q: Mary was elder than Joe ReBert? A: Yes sir.
Q: Didn't you say a while ago, you lived with Alex Bishop before you married Budkin? A: Yes sir.
Q: Were you living with Budkin Marshall at the time Joe was born? A: We wasn't exactly living together as man and wife, we wasn't just exactly living together, house-keeping together, but after this had happened, of course you see me and Joe's daddy, Alex, I was living with Alex, I wasn't married to him, me and him got this child and after me and Alex separated, me and him (Budkin Marshall) went to house keeping together.
Q: Well you and Budkin Marshall were husband and wife when you met Alex Bishop wasn't you? A: We wasn't exactly husband and wife, he was kind a hiding around there and me and Alex got together.
Q: When you first met Alex Bishop you were at that time the wife of Budkin Marshall, wasn't you?
A: I was Budkins' woman.
Q: You had married Budkin, hadn't you? A: No sir.
Q: I understood you to say he was the first man you ever married. A: He was the first man I ever married, I hadn't married him then yet.
Q: Did you live with him before you married him? A: Yes sir
Q: How long? A: Oh well, we slipped together a good little before we was married.
Q: Well were you slipping around with anybody else at the time you knew Budkin Marshall and Alex Bishop? A: No sir.
Q: Did you marry Budkin Marshall before Joe was born?
A: Yes sir.
Q: Then when Joe was born you were the wife of Budkin Marshall and were living with him? A: Yes sir.
Q: Were you living with Alex Bishop too?
A: No sir, I wasn't living with him then.
Q: You said a while ago you lived with Alex Bishop 4 months after Joe was born? A: Of course he helped me get the things to take care of the child.
Q: Did you ever give testimony before the Cherokee Division relative to your rights as a Cherokee citizen?
Did you ever testify before this Commission as to your rights as a Cherokee? A: Yes sir.

Q: Do you remember the date? A: No sir, I don't know when it was. I don't remember the date it was.
Q: How many times have you been before them?
A: I was before them once in Fort Gibson and I was before them here. It was the 8th. day of this past March a year ago.
Q: March 8, 1905? A: Yes sir.
Q: Do you remember on your appearance before this Commission you testified relative to your Cherokee citizenship, you were asked this question:
"Who was the fatherof Mary and Robert?" Your answer was, "Jackson Payne".
A: Yes sir.
Q: Is that so? A: Yes sir, I gave it in that way.
Q: That is the way you gave the testimony at that time?
A: Yes sir.
Q: Is Jackson Payne the father of Mary and Robert?
A: No sir he is not the father of them but he had me to give them in that wayx because he really helped raise Joe, Joe was with him when he run away.
Q: Then he just had you give it in that way? A: Yes sir.
Q: What was your object in giving it in that way, if it wasn't true? A: He said it was the same as his children, I was his wife and he said it was just the same.
Q: Is Jackson Payne a citizen of the Cherokee Nation?
A: Yes sir.
Q: Is he enrolled? A: Yes sir.
Q: Has he received his allotment? A: Yes sir.

Q: Did he tell you to give in the names that way because he was on the Cherokee Freedman Roll? A: No sir, he didn't say because he was on the Cherokee Freedman Roll, I was his wife and he said I should answer that they was his as much as they was mine.
Q: Well now do you want to correct that statement that you made then? A: Yes sir, if there is anything wrong about it I would like to correct it.
Q: Now tell us who is the father of Mary and Robert?
A: Why Alex Bishop is Robert's father and Budkin Marshall is Mary's father.
Q: Then your testimony on March 7, 1905 before the Commission is not correct where you state that Jackson Payne was the father of these two children?
A: I gave it in that way because he told me to give it in that way.
Q: You want to say now that is not correct, do you?
A: Well I will leave it go that way.
Q: Is he the father of those children?
A: No sir, to tell the truth he x is not the father of them.
Q: Then you testified falsely when you testified before that he was the father of those two children, did you?
A: Yes of course it was wrong, but I put it in that way because he told me to.
Q: Budkin Marshall--did he ever claim to be a Cherokee citizen
A: No sir, he was a Creek.
Q: Did Alex Bishop ever claim citizenship? A: No sir he was a Creek.
Q: In what year did Mary die? A: Well I couldn't tell you just exactly what year it was.
Q: What month was it? A: I don't know sir, I couldn't tell you that there because I didn't keep account.

Q: What season of the year was it? A: It was, I think it was in the fall.
Q: Well do you think it was about this time of the year or a little sooner or a little later?
A: It was a little latter, because it was a kind a cold.
Q: Now how many years ago do you think it has been now?
A: As near as I can come at it, it has been about 4 years as near as I can come at it.
Q: Have you had the date of her death recorded? A: No sir, I have not.
Q: Didn't put it down in the bible? A: No sir, I didn't have any to put it in.
Q: You didn't put down the date of her death in the bible did you? A: No sir.
Q: Do you know what year Mary was born? A: No sir, I don't.
Q: How many years old was she when she died? A: Well, I just disremember how old she was.
Q: About how old? A: Well I don't know sir just exactly, I couldn 't tell you just exactly, she was about this high. (indicating about 4 feet).
Q: How long after you appeared before the C ommissionat Ft. Gibson was it before she died? A: Well I disremember just now, I disremember now how long it has been, but it was a good while after wards.
Q: Do you know when the Cherokees ratified their agreement with the United States? (No answer)
Q: Do you know who is the president of the United States?
A: Roosevelt.
Q: Do you know who was president before that? A: No sir, I forget.
Q: Do you know it was McKinley- -Do you know when he was killed
A: I heard about it.
Q: Was it before that or after that, that Mary died?
A: Before that I think.
Q: Did you buy a coffin to bury her in? A. Made it. Had one made.
Q: Who made it? A: I done forgot the man's name.
Q: Did you get a tombstone for her? A: No sir.
Q: Did you buy some clothes to bury her in?
A: No sir, just used what she had, we washed them and put them on her.
Q: Where is Mary buried? A: In the Cherokee Nation.
Q: Whereabouts in the Cherokee Nation? A: It is---I can't tell you just exactly whereabeuts it is ever here----it is right back of where I am staying at now, that is as near as I can come at it. They call it about 5 miles from Bragga, and this is about a half mile from there.
Q: Which direction from Bragga? A: It is West, kind a South-west.
Q: Is it in a grave-yard? A: Yes sir.
Q: What is the name of it? A I don't know what the name of it is.
Q: Do you belong to the church? A: Yes sir.
Q: Did you have a preacher to preach the funeral?
A: No sir, we didn't have any.
Q: Did you have any services at all? A: Just had a prayer and some singing at the grave-yard.
Q: Well now in your church, did the preacher make any record of the death of your child? A: No sir, the Pastor wasn't there.

Q: How about the Secretary; did he make any record of the date of the death of your child? A: No sir, they didn't make any record of the death at all, they just had prayers and singing.
Q: Do you know of anybody that would know the date of your child's death? A: I know a good many that knows it, but I don't know whether they know the dateof it or not.
Q: Were you born before or after the war?
A: I was born my mother told me the first year peace was declared.
Q: You were not a slave then? A: No sir.
Q: What was the name of your mother? A: Harriet Woodall.
Q: Was she a slave? A: Yes sir.
Q: Who was herowner? A: George Woodall.
Q: Was he a citizen of the Cherokee Nation? A: Yes sir.
Q: By blood? A: Yes sir.
Q: Do you know where your mother lived at the breaking out of the war? A: No sir, I don't know, I couldn't tell you that, my sister could tell you more about that then I could.
Q: What is your sister's name? A: Sylvia Lewis.
Q: Is that her name now? A: Yes sir.
Q: How old is she? A: She is quite old, I don't know her age exactly, but she isold.
Q: Is she a Cherokee freedman? A: Yes sir.
Q: Did she apply for enrollment in the Cherokee Nation?
A: Yes sir.
Q: Has she been enrolled? A: Yes sir.
Q: Filed? A: Yes sir.
Q: Has Sylvia got some children? A: She had some but they are dead.
Q: What were their names? A: I couldn't tell you what their names were.
Q: Is that the name she goes by now, Sylvia Lewis? A: Yes sir
Q: Where does she live? A: She lives about 4 miles East of Braggs, but her post-office is at Braggs?
Q: Does she live on her allotment? A: Yes sir.

Question by Irwin Donovan, Attorney for Applicant:

Q: Which did you live with first, Alex or Budkin?
A: I had been staying with Alex, I was staying with his mother and he cam e there a while.
Q: Which did you get a child by, first?
A: I got one by Budkin.
Q: First? A: Yes sir.
Q: How old are you? A: Me--well as near as I can come at my age, I say I am 43 as near as I can come at it, I don't know but what my mother told me.
Q: How old were you when Joe was born? A: I don't know sir how old I was.
Q: Were you over 20, A: No sir, I don't think I was.
Q: Do you think you were less than 20? A: I don't know.
Q: How many years ago was that? A: I don't know sir, just exactly how many years ago it has been.

Questions by John G. Lieber, acting attorney for Creek Nation::

Q.: You say Mary is your oldest child? A: Yes sir.
Q: Had you been married to Budkin Marshall when Mary was born?
A: No sir, I wasn't married to him then.
Q: Well how long after Mary was born was it until you married Budkin? A: Well it was a good while.
Q: When you did marry Budkin, did you get a license?
A: No sir we didn't get any license, I think a man mx named W. F. McIntosh was the preacher. I reckon he was a preacher he just said stand up and he did the ceremony, that is all I seen to it.
Q: Now how long after that ceremony was performed was it before Joe or Robert was born? A: Well it wasn't so long, it was a good while too after that. It was a good while after that.
Q: What do you mean by a good while, about how long.
A: I wasn't more than a month or two gone with him when I wa s married.
Q: Do you mean to say yo u were with child when you married Budkin Marshall? A: Yes sir.
Q: And that that child was Joe, whom you call Robert?
A: Yes sir.
Q: Did Budkin Marshall ever recognize Joe as his child?
A: No sir. I always told him it wasn't his, I knew it wasn't his.
Q: Is Budkin Marshall a citizen of the Creek Nation?
A: Yes sir.

Questions by Commissioner:

Q: Is Sylvia Lewis married now? A: No sir, she ain't.
Q: What was the name of her last husband? A: I forget his name but she didn't go by his name at all, she goes by Jake Lewis's name.
Q: Who is Jake Lewis? A: He is dead, he was a Cherokee citizen.
Q: What relation was he to Sylvia? A: That was her husband.
Q: Now did Sylvia have some children by them? A: Yes sir.
Q: What were their names? A: Dolly, Mose and Mary and Pearly.
Q: Is Pearly married? A: I don't know sir, whether she is or not, she has been married, but her and her husband has been separated, I don't know whether she is married or not now.
Q: When you can first remember, what family were you living with? In What family did you live when you can first remember.
A: I lived with my mother?
Q: Did you have any brothers or sisters living in the same family? A: Half brothers.
Q: What are their names? A: Jim and John and Al.
Q: Jim and John and Al, what? A: Lovett.
Q: Are they living? A: Yes sir.
Q: Were they children of your mother? A: Yes sir and different fathers.
Q: Where was Sylvia at that time? A: Sylvia, me and her is half sisters by a father. We had the same mother and different mothers.

Q: Your half brothers you have named are they living? A: Yes sir.
Q: Where? A: Two are in the Creek Nation, John and Jim is, and Al is living up in the country somewheres. I don't know exactly where, I haven't heard from him for a long time, I don't know exactly where he is
Q: Are they citizens of any Tribe? A: They never has tried for their citizenship at all because their father was a state man and he always told them that he was a State man and after their mother died, they were small, I was elder than any of them--he always kept them, and I never stayed with them, I stayed amongst the Cherokees and their people.
Q: Then they didn't get any rights from your mother?
A: No sir, they never tried for it at all. They never claimed any.
Q: How about your father, what was he? A: He was a Cherokee citizen.
Q: A slave? A: Yes sir.
Q: What was his name? A: Tom Still.
Q: Was he living with your mother when you began to remember?
A: Not as I can remember.
Q: You don't remember your father at all?
A: No sir, I don't remember him, I just go by what my sister and mother told me.
Q: Where were you living when you first began to remember?
A: When I first began to remember, I lived in Flent Ridge in the Cherokee Nation.
Q: You were living with whom at that time? A: With my mother.
Q: Her name was what? A: Harriet.
Q: Now was she a slave, did you say? A: Yes sir.
Q: She is the mother of those half brothers you named a while ago? A: Yes sir.
Q: How does it come they didn't claim any citizenship?
A: Well I don't know sir, I don't know how it is. I asked them was they going to try to claim it for their rights and they said they didn't know nothing about it, and the old man wouldn't tell them anything about it, and so each of them married a citizen of the Creek Nation.
Q: You never lived in the family of Sylvia Lewis?
A: No sir, I stayed with her a while, I didn't just to say live with her.
Q: But you were not living with her family when you can first remember? A: No sir.
Q: Well now is it a fact or not that your mother was never a slave of the Cherokee Nation? A: Yes sir, she was a slave.
Q: What was it you said her owner was named? A: George Woodall
Q: Where have you been living all your life?
A: I lived in the Creek Nation and in the Cherokee Nation and stayed in the Choctaw nation a while, I went down there and worked, and cooked, I was following cooking a good deal and went from one place to another.
Q: When did you first go to the Choctaw Nation?
A: The first time I went down there was when they were building that Choctaw road, that is the first time I went down there, I went down and cooked for a man named Mattis, he was up here looking for a cook and I went down and cooked for him.

Q: How long did you stay there? A: About 3 months.
Q: Is that the longest you ever stayed down there?
A: That is the longest that time, I been down there since, I married Terrill in the Choctaw Nation.
Q: Did you ever live in the Choctaw Nation as much as 10 years at one time? A: No sir.
Q: About how long, 5 years? A: No sir.
Q: As much as a year? A: I stayed there a year, that is the longest I ever stayed. I married Terrill and he bought a lot and we lived on it.
Q: In the last ten or fifteen years have you ever stayed in the Choctaw Nation as much as you have in the Cherokee Nation? A: No sir.
Q: Did you ever live in Texas? A: No sir.
Q: Ever been in Texas? A: No sir.
Q: Have you ever lived in Arkansas or Kansas? A: No sir.
Q: Did you ever live in any State,? A: I never was across the line of the territory.
Q: Where have you been living for the last 10 years?
A: I have been living around here in Muskogee and in the Cherokee Nation.
Q: How far do you live from Braggs now?
A: They call it 5 miles.
Q: How long have you been living there?
A: I have been living there about 2 months I suppose.
Q: Where did you live before that?
A: I stayed with a woman in the mountain about a month I stayed there being doctored, I got a man to doctor for me I was sick.
Q: Where did you stay before that? A: I stayed in Muskogee 5 or 6 years at a time before I went out over here. I was here at work for people.
Q: Did you ever make your home for any length of time outside of the Indian Territory? A: No sir.
Q: Did you ever draw any money from the Cherokee Nation?
A: No sir.
Q: Did you ever try to? A: No sir I never tried.
Q: Do you know whether your name is on any Cherokee Roll?
A: I know it is on there when I see it. I seed it on there when I went to file, and I seen them when it was put on out there at Fort Gibson at the time I enrolled.
Q: Now did you and Jackson Payne ha ve any children of your own?
A: No sir.
Q: If you have ever testified before that you and he had any children, that is not so, is it? A: No sir, we never ~~had~~ did have any children, I never had any children by him at all.
Q: What is the name of the father of Sylvia Lewis?
A: Her father's name is Tom Still same as my father.
Q: Did they ever call him by any other name?
A: Not that I know of, she went by the name of Ragsdale, because she belonged to Ragsdale.
Q: What is Ragsdale' s given name? A: She told me but I forget it.
Q: What was Sylvia's mother's name? A: I don't know, I never heard her say what it was.
Q: Do you know where Ragsdale lived in the Nation?
A: No sir, I don't.
Q: Did you ever know anybody called York Still? I heard her talk about him.
Q: You don't know who that is? A: No sir.

Q: Now you say you and Sylvia have the same father or mother, which? A: Now that is what she told me, I don't know myself, I am going by what she told me.
Q: You don't really know whether you are sisters or half sisters or not, do you? A: That is what my mother says and that is what she says.
Q: Can Sylvia Lewis get around all right? Travel?
A: Yes sir.
Q: Her port-office is Bragge? A: Yes sir.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval on my oath state that the above ~~mark~~ and foregoing is a true and complete transcript of my stenographic notes as taken by me in said cause on said date.

(Signed) Julia C. Laval

SEAL
Subscribed and sworn to before me this 11 day of October, 1906.

(Signed) Edward Merrick
Notary Public.

The undersigned, being first duly swern, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Mattie M. Rice

Subscribed and sworn to before me this 12, day of October, 1906.

Chas. Hebbin
notary public.

C.F.R. Cherokee F.D.1298

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ellen Payne, et al., as Cherokee Freedmen.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ellen, Robert and Mary Payne as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 17, 1904, March 7, March 20, April 6, and April 20, 1905, and October 10, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Ellen Payne, claims the right to enrollment as a Cherokee freedman by reason of being a descendant of a person who was the slave of a Cherokee citizen at the commencement of the war of the rebellion, but after ample opportunity having been afforded said applicant to establish by satisfactory evidence that she was either the slave of a Cherokee citizen or a free colored person residing in the Cherokee country at the commencement of the war of the rebellion, and was an actual personal bona fide resident of the Cherokee Nation after the war prior to February 11, 1867, or that she is a descendant of such slave or free colored person, she has failed to do so, hence her application for enrollment as a Cherokee freedman comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D.844-04), Ed Williams (I.T.D.4230-04), William Rector (I.T.D.1468-04), Minnie Duncan, et al (I.T.D.1470-04), Samantha Chambers (I.T.D.8296-04), Moses Ross (I.T.D.6056-04), Jane Looney, et al. (I.T.D.6410,12688-04), Florence Bratcher (I.T.D.12698-04) and Frankie Grimmett (I.T.D. 17902-05).

The evidence further shows that the minor applicant herein, Mary Payne, is a child of said Ellen Payne, and the evidence fails to show that said Mary Payne possesses any right to enrollment as a Cherokee freedman other than as a descendant of her said mother. It is further shown that the minor applicant herein, Robert Payne, is listed for enrollment under the name of Joseph

Bishop as a freedman citizen of the Creek Nation, and that his name is included in a partial roll of Creek freedmen approved by the Secretary of the Interior December 7, 1906, opposite No. 5673.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat. 716) provides:

> "No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

No one of the applicants herein is identified upon the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Ellen Payne and Mary Payne are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such is accordingly denied, and that under the provisions of Section twenty-eight of the Act of Congress above noted, Robert Payne is not entitled to enrollment as a Cherokee freedman, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 28 1907.

COPY.

Cherokee Freedmen
D-1298.

Muskogee, Indian Territory, October 12, 1904.

Ellen Terrell,

Braggs, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your two minor children, Robert and Mary Payne, as Cherokee freedmen, you are advised that before the Commission can render a decision in this case it will be necessary that testimony be introduced tending to establish your rights to enrollment as a Cherokee freedman.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, November 17, 1904, and introduce testimony as above indicated.

Respectfully,

SIGNED. T. B. Needles.
Commissioner in Charge.

Register.

D&D

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1298.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23, 1905.

Ellen Payne,

Braggs, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor children as Cherokee freedmen, you are advised that this case has been continued until nine o'clock A. M. on Thursday, April 6, 1905.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on that date, when you will be permitted to introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Register.

Chairman.

Cherokee F.
D 1298

Muskogee, Indian Territory, October 15, 1906.

Irwin Donovan,

Attorney for Ellen Payne, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony of October 10, 1906, had in the matter of the application for the enrollment of Joe Bishop, a Creek freedman, to be considered in connection with the application of Ellen Payne, et al., for enrollment as Cherokee freedmen.

Respectfully,

Commissioner.

Incl.C-27
LMC

Cherokee F.
D. 1298.

Muskogee, Indian Territory, October 15, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony of October 10, 1906, had in the matter of the application for the enrollment of Joe Bishop, a Creek freedman, to be considered in connection with the application of Ellen Payne et al., for enrollment as Cherokee freedmen.

Respectfully,

Commissioner.

Incl.C-26
LMC

Cherokee D1298

COPY

Muskogee, Indian Territory, February 28, 1907.

Irwin Donoran,

Attorney for Ellen Payne, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Tams Bixby

Commissioner.

Enc I-32

RPI

Cherokee F.D.
1298

COPY

Muskogee, Indian Territory, February 28, 1907

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Enc I-30

RPI

Cherokee F.D.
1296

COPY

Muskogee, Indian Territory, Februar y 28, 1907.

Ellen Payne,
905 Market Street.,
Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself and children, Robert and Mary Payne, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc 1-31
RPI

Cherokee F.D.
1296

COPY

Muskogee, Indian Territory, February 28, 1907

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Enc I-30

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Ellen, Mary and Robert Payne, as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, rejecting said application.

Respectfully,

Commissioner.

Enc I-1

RPI

Through the Commissioner
of Indian Affairs.

(COPY) Y.P.

D.C.13266-1907
I T. D.
7938,7950,7952,
7958,7962,7964, all 1907. W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS
Direct.

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has this day affirmed your decisions, adverse to the applicants, received with your letters of February 28, 1907, in the following named Cherokee citizenship cases:

Rosa Phillips, et al., (freedmen)
Marie Carey Rogers, (by blood)
Ellen Payne, et al., (freedmen)
Earl Nave, (freedman)
Henry Vann, (freedman)
Alfred Bell, et al., (freedmen)

Copies of your letters and all the papers in the above mentioned cases have been sent to the Indian Office for its files, together with a copy hereof.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

12 enclosures and copy
hereof to Indian Office.

MEN.
3/5/07.

Cherokee F.
D-1296

Muskogee, Indian Territory, March 14, 1907.

Ellen Payne,
905 Market Street,
Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself and children, Robert and Mary Payne, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. 1-31
RPT

Commissioner.

Register.

Cherokee F.
D-1298

Muskogee, Indian Territory, March 14, 1907.

Ellen Payne,

905 Market Street,

Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself and children, Robert and Mary Payne, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. I-31
RPI

Commissioner.

Register.

Cherokee
D-1298

Muskogee, Indian Territory, March 14, 1907.

Irwin Donovan,

Attorney for Ellen Payne, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date, transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. [illegible]32
RPI

Commissioner.

Cherokee
D-1298

Muskogee, Indian Territory, March 14, 1907.

Irwin Donovan,

Attorney for Ellen Payne, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date, transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. [illegible]-32
MPI

Commissioner.

[illegible]r.

Cherokee F.
D-1298

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Miles Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. I-20
KPI

Commissioner.

Cherokee F.
D-1298

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.I-30
EPI

Commissioner.

Cherokee
D T 1298.

COPY

Muskogee, Indian Territory, March 20, 1907.

Irwin Donovan,
Attorney for Ellen Payne (Terrell), et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen, was affirmed by the Department March 4, 1907.

For your information there is enclosedherewith a copy of Departmental decision referred to.

Respectfully,

Encl, HJ-13.
HJC

SIGNED Tams Bixby.
Commissioner.

Cherokee
F D 1298.

COPY

Muskogee, Indian Territory, March 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilised Tribes, dated February 28, 1907, rejecting the application for the enrollment of Ellen Payne, et al., as Cherokee freedmen, was affirmed by the Department March 4, 1907.

For your information there is end osed herewith a copy of Departmental decision referredto.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl. HJ-14.
HJC.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 1
F D 1898.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, [illegible]

Ellen Terrell,
905 Market St.,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen, was affirmed by the Department March 4, 1907.

Respectfully,

[signature]

Commissioner.

EJC

Cherokee Freedmen
D 1093

Muskogee, Indian Territory, April 10, 1907

Postmaster,

Muskogee, Indian Territory.

Dear Madam:

In reply to your communication of March 14, 1907, you are requested to return a registered letter addressed to Ellen Payne by this office, and which you state you are unable to deliver.

Respectfully,

L W B

Acting Commissioner

Muskogee Indian Territory, Oct 9 1906

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Ellen Payne Cherokee IS 1398

Irwin Donovan
Attorney for Applicant.

Form 3856½ Reg.

R

CIRCULAR—IMPOSSIBLE TO DELIVER.

POST OFFICE, ..., 190

~~POSTMASTER~~, Danes Com

A registered { letter / ~~parcel~~ } No. 25122 mailed at ~~this~~ office by Com. S. Ivins

and addressed to Ellen Payne

has been received at this office

in R. P. E. No. ——, postmarked 3/14, 1907

It is impossible to deliver this article, for the following reason: Addressee left City.

Please ascertain if the sender* desires—

1st. To have the article delivered to some person other than the addressee, as provided for in Section 860, P. L. and R., edition of 1902;

2d To have the article forwarded to some other address, as provided for in Section 870; or,

3d. To have the article returned at once for restoration to the sender, as provided for in Section 887.

(3) In the absence of any instructions from the sender as to the disposition of this article, it will be held for delivery for the period prescribed in Section 886, before being returned for restoration to the sender.

NOTE.—In case this article is returned to the sender, attention is invited to paragraph 8 of Section 886, which forbids the redispatch of registered articles after they have been returned to senders, unless they are inclosed in a new envelope properly addressed, etc., and bear stamps sufficient to *prepay both postage and registry fee anew.*

Attention is also invited to the fact that additional postage (but not registry fee) is chargeable for forwarding or returning matter prepaid at other than the letter rate of postage; See Sections 869, 870, 872, 877 (par. 2), and 886 (par. 4)—but see also Section 869 (par. 2) and Section 886 (par. 2), providing for the forwarding or return, without extra postage, of all matter inclosed in official penalty envelopes, or with penalty label attached, and Section 889 (par. 2) for free return of both letters and parcels under provisions of a "fraud order."

Postage required for forwarding or returning parcel: ..... cents. (Additional postage is required for forwarding or returning only such articles as are prepaid at *less* than the letter rate.)

Please reply promptly.

Yours respectfully,

.....

Postmaster.

TO THE SENDER: After executing this Form, return it to the Postmaster at the OFFICE WHERE THE REGISTERED LETTER WAS MAILED, who, after indorsing your request, will return it to the office where the registered letter is now held.

....., 190

POSTMASTER, ...

Please cause the above-described registered article to be .....

.....

.....

Signature of sender: .....

Address: .....

Respectfully referred to the Postmaster at .....

Please comply with the above request of the sender, whose signature I verify.

(NOTE.—If the article in question was not prepaid at the letter rate, and is to be forwarded or returned, the following blanks must be properly filled out. No new *registry fee* is required in either case.)

I inclose herewith ..... cents in postage stamps, to pay { forwarding / return } postage on the registered parcel described above.

Postmark of Mailing Office.

.....

Postmaster.

8—4228

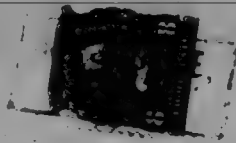
* See Section 870 as to identification of sender, if unknown.

THE POSTMASTER RECEIVING THIS CIRCULAR MUST GIVE PROMPT ATTENTION TO THE MATTER TO WHICH IT RELATES.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

2/18
2/21
3rd

14



4961

~~3877~~

Ellen Payne,
905 Market Street,
Muskogee, Indian Territory.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Ellen Terrell,
905 Market St.,
Muskogee, Indian Territory.

Ltd.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE IND.T. MAY 6 1 PM

IND.T.

Ellen Payne,

Braggs, Indian Territory.

RETURNED

Cher. Fr. R. [illegible]

Trans. from Cher. Fr. D. 1299

Cher. Fr. R. 1222

N A
Cher F D 1299

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Blairemore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Jennie Roberson #461 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B C Jones
Notary Public.

Cherokee Freedman D-1299.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jennie Roberson as a citizen of the Cherokee Nation.

---:---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jennie Roberson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Jennie Roberson is identified on the Cherokee [redacted] roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, [redacted], was [redacted] and the Cherokee Nation seeking information as to these persons at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all [redacted] means to secure evidence as to the identity of all the persons whose names are included in said applications, and to determine whether or not they were entitled to Cherokee citizenship on said date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Jennie Roberson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jennie Roberson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1223

Trans. from Cher. Fr. D. 1300

Cher. Fr. R. 1223

Cher F D 1300

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood or the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Fred Sanders #514 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this September 3, 1902.

W B Jones
Notary Public.

Cherokee Freedmen D-1300

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., NOVEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Fred Sanders as a Cherokee Freedman.

On October 15, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Fred Sanders as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application. Receipt has been acknowledged of the Commission's letter.

Now on this 23rd of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o-o-o-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 4 day of December, 1904.

Charles N. Haskell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 31, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FRED SANDERS as a Cherokee freedman.

It appears from the records of the Commission that on January 11, 1905, the applicant, his attorney, and the attorneys for the Cherokee Nation were notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on January 31, 1905, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person and by agent, I. P. Bledsoe.
Cherokee Nation by its representative, W. W. Hastings.

FRED SANDERS, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What isyour name? A Fred Sanders.
Q How old are you Fred? A 35 years old.
Q Where do you live? A I live out here at Braggs.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Always.
Q Never been out of the Cherokee Nation? A No sir.
Q Who was your mother Fred? A Katie Vann before she was married.
Q Who was your father? A Squire Sanders.
Q Who was the father of your mother? A Sam Vann.
Q Have you ever been recognized by the Cherokee people as a citizen in any way? A Yes sir.
Q Tell how? A I have voted, set on juries.
Q Did you ever draw any money? A Yes sir.
Q What moneys did you draw? A I drawed '96 payment I guess it was at Fort Gibson.
Q Did you get the Kern-Clifton money? A Yes sir.
Q You have always lived in the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:
Q Are you married Fred? A Yes sir.
Q Is your wife a citizen? A I don't know whether she is or not.
Q Did she ever apply for enrollment? A Yes sir I think she did.
Q What was her name? A Her name was Eliza Arnold.
Q She was up to Fort Gibson and made application, didn't she? A I think so.
Q Wasn't you up there with her? A No sir we were not married then.
Q You married since? A Yes sir.
Q When were you married? A About three years ago.
Q How far do you live from Fort Gibson? A About 13 miles if I aint mistaken.
Q Have you lived there, and were you living there in 1901, and have you lived there since that time continuously? A Yes sir I have lived there continuously.

Q Now the Commission was up there at Fort Gibson a number of times and it was generally understood all over the country that freedmen were flocking there andremained there days and days to make application, and yet you have never before up until this hour appeared before the Commission to make application for your enrollment, have you? A No sir, I guess not.
Q You never appeared there? A No sir I didn't appear there.
Q And the Commission has always been here at Muskogee for the past four years haven't they? A Yes sir.
Q Who notified you to come in here and make this application?
A Who did.
Q Yes. A The Commission I suppose.
Q They have notified you a number of times? A No sironly twice, the first time it was in November if I aint mistaken, and my family was sick and I couldn't come here.
Q You never replied to that at all? A No sir not then, I come afterwards.
Q When did you get acquainted with Mr. Bledsoe? A I don't know just how long I have known him.
Q When did you employ him in this case? A When I was here before.
Q Why didn't you come in here and make application when you were here before? A I don't understand you.
Q Why didn't you come in before the Commission if you were here before? A I did.
Q Give testimony? A No sir.
Q You never did make any application at all until after the Commission notified you last November? A No sir I didn't know positive that my name was anything wrong with it.
Q You knew that all freedmen were appearing andmaking application so that a roll of them would be made didn't you? A Yes.
Q All your neighbors who were citizens were coming and making application? A Yes sir all of them went up, that is true.
Q And you didn't go because you didn't think you were entitled?
A No that wasn't it.
Q Why didn't you go? A I don't know I suppose it must have been laziness or something else, I don't see why I could think I wasn't entitled.
Q Your name is not on the 1880 roll? A That aint my fault.
Q Have you always lived over there in Illinois? A Not always.
Q Where did you live? A I lived in Tahlequah District and I was bred and born in Goingsnake.
Q Where were you born? A I couldn't tell you exactly, but where I first remember anything we were right at the old court house in Goingsnake District.
Q Who were you living with? A On the Bessie Whitmire farm.
Q After the war? A Yes, I don't know nothing about the war.
Q But you were living here after the war when you first remember?
A Yes sir.
Q How old were you when you knew Perry Mackey, ten years old? A I expect I must have been, I guess I was something near ten to fifteen years old.
Q When you first saw him? A Yes sir as near as I can remember.
Q Where did your mother die? A She died in Illinois District.
Q When? A In '87.
Q What was her name then? A Katie Sanders.
Q What was your father's name? A Squire Sanders.
Q Is he dead? A Yes sir.
Q Where did he die? A Right up there where the old townused to be

Q Above Muskogee? A Yes sir.
Q When did he die? A It was 1900 if I aint mistaken.
Q Did he and your mother live together until her death? A Yes sir.
Q Were they living up there in Goingsnake District at the old Bessie Whitmire place, and living together as husband and wife when you were born? A I guess so.
Q That is your information is it? A Yes sir.
Q And when you can first remember they were living together as husband and wife? A Yes sir.
Q How old were you when you left Goingsnake District? A I don't know sir.
Q 10 or 12 years old, 15? A No I wasn't that old.
Q About how old, your best judgment? A I couldn't have been, I can't say.
Q You were old enough to remember things? A Yes, but my age I didn't remember anything about that, the first time that I remember my age, and I have remembered it ever since that, I was 12 years old then.
Q Where were you living then? A I was living down here close to Braggs.
Q How long had you been there? A Not so very long, I don't think.
Q A couple of years? A I think it was that long.
Q Well about a year then? A I guess about a year.
Q Did you go direct from Goingsnake near Braggs? A No sir.
Q Where did you live between then? A At Tahlequah.
Q How long did you live there? A I came there, but I think it was about three years we stayed there.
Q Now how far did you live from the old Goingsnake court house and in what direction? A We lived just about 200 yeards I guess.
Q From the old Goingsnake court house? A Yes sir.
Q What direction? A I guess it was west.
Q Down the creek? A Yes sir.
Q There is where you were living when you first remember? A Yes sir
Q Now you never saw Perry Mackey until you come down in the Illinois District? A No sir.
Q No recollection of him up until that time? A No sir.
Q Have you any other witness besides him? A Yes sir.
Q Who? A Lewis is out there, Lewis Tucker.
Q When did you first know Lewis Tucker in Illinois? A Just after we moved down here near Braggs.
Q You never saw him before? A No sir.

BY MR. BLEDSOE:
Q You have got a farm down there? A No sir I have none of my own.
Q How many children have you? A None.

PERRY MACKEY, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Perry Mackey.
Q How old are you Perry? A I must be somewhere about 57.
Q Are you a Cherokee freedman? A Yes sir.
Q On a straight card? A Yes sir.
Q Where do you live? A Braggs.
Q How long have you lived there? A I have lived there ever since before the place was settled, I don't remember how old Braggs is just to a T, I was living there quite awhile before it was settled, somewhere near 30 years.
Q Do you know Green Sanders? A Yes sir.
Q How long have you known him? A About 29 years to my knowledge.

Q Where was he living when you first knew him? A When I first got acquainted with him right there at Mrs. Susie Smith's.
Q Where was that? A On Green Leaf just a little below the court house.
Q Do you know whether he was ever recognized as a citizen of the Cherokee Nation? A I do.
Q In what way? A So far as voting and being on a jury.
Q You never heard of his citizenship being questioned? A

Mr. Hastings: The representatives of the Cherokee nation object to that because it is purely negative testimony and is not admissable because the records itself will show whether or not he has been recognized as a citizen, and for the further reason that it appears of record that this man is not upon the 1880 Roll and therefore it is conclusive that he wasn't recognized by the Cherokee authorities as a citizen of the Cherokee Nation.

Commission: Objection noted.

Q Did you know of him drawing any money?

Mr. Hastings: The representatives of the Cherokee Nation object for the reason that if he did draw any money that the record is the best testimony, and it is a dangerous proposition to allow witnesses to appear upon the stand and testify indiscriminately, that they knew people drew money when the record will disclose the fact.

Commission: Objection noted.

Q Did you know his mother? A I did.
Q Who was his mother? A His mother was supposed to be Katie Vann belonging to Dave Vann upon Grand River in slavery.
Q Dave Vann, was he a Cherokee citizen? A Yes sir.
Q Do you know whether she belonged to Dave Vann or not at the breaking out of the war? A Yes sir I do, I know Clem Vann and the Mackey family all going south together, and Clem Vann taking all back.
Q Do you know when he brought those slaves back? A No sir, I don't know that.
Q You don't know anything about when she came back then? A No sir I don't know, Ben Greenleaf was a man that was in the same family.
Q When did you first see her after the war, Katie Vann? A 29 years ago.
Q Where did you see her, in the Cherokee Nation then? A On Grand Leaf there.

BY MR HASTINGS:

Q Where did you live before the war? A On Illinois River, I was raised there.
Q Now as a matter of fact you had never seen this boy's mother before the war, and all you know is what you heard? A I did see her.
Q How long before the war had it been since you had seen her? A I had seen her about there from 12 years old on up until the war takes place.
Q Did you see her the year the war come up? A Only when we went south together, down in the state of Arkansas, they got with us at Fort Gibson.

Q Did you go with them? A Yes sir.
Q Was she along? A I wouldn't swear positive that she was along.
Q You said that Clem Vann taken his slaves? A Yes sir.
Q I am not asking you about all of Clem Vann's slaves, I am asking you about Katie Vann, did you ever see her before the war?
A Yes sir.
Q When was the last time you saw her? A I couldn't tell just the last time I saw her.
Q You don't remember how long before the war you saw her? A No sir.
Q It may have been a number of years? A It must have been 15 or 20 years.
Q Before the war? A That is when I first become acquainted with her.
Q You never saw her after the war until about 29 years ago? A Yes sir.
Q That is all you know of your own independent knowledge? A I know when she was transferred from the Creek Nation here by marriage, when her mistress's husband got killed here in the Creek Nation.
Q Who was her mistress's husband? A George Drew.
Q Was George Drew a Creek? A I think he was, a half breed.
Q And this Katie Vann was living in the Creek Nation before the war? A She was living with Drew's wife, her young mistress.
Q Her young mistress had married a Drew and was living over here in the Creek Nation, and Katie was living with them? A Yes sir, when I first got acquainted with her.

BY MR. BLEDSOE:
Q Who was her young mistress? A Mary Vann, old Dave Vann's daughter
Q Who was a Cherokee citizen? A Yes sir.

BY MR. HASTINGS:
Q Do you know when Mary Vann died? A No sir I don't know.
Q Don't you know she died before the war? A I know she did.
Q Didn't she leave some children by Drew? A It seems to me she had one.
Q And it was a Creek citizen? A It couldn't have been if she was a Cherokee.
Q Wasn't her father a Creek? A I couldn't swear.
Q Didn't you just swear he was a half breed? A He was a half breed I know.

LEWIS TUCKER, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Lewis Tucker.
Q How old are you Lewis? A 50 years old.
Q Where do you live? A Illinois District.
Q In the Cherokee Nation? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q On the straight roll? A Yes sir.
Q Do you know Fred Sanders? A Yes sir.
Q How long have you known Fred? A I have known him about 30 years.
Q Where was he living when you first knew him? A He was living in Illinois District.
Q Has he lived there all the time? A Yes sir.
Q Did you know anything about who his mother was? A Yes sir I have seen his mother.
Q Did you know what her name was? A Katie I believe.
Q Who was his father? A Squire Sanders.

Q Do you know where his mother died? A Yes sir.
Q Where did she die? A She died up there on Green Leaf.
Q Where did his father die? A His father died, I think over here in Muskogee.
Q They both died here in the Nation? A Yes sir.
Q Do you know whether Fred Sanders is a recognized citizen of the Cherokee Nation?

Mr. Hastings: The representatives of the Cherokee Nation object to that for the reason that that is not an admissable question for the following reasons to-wit: First, that if he had been a recognized citizen his name would have appeared upon a number of rolls made by the representatives of the Cherokee Nation, or the pay rolls made on behalf of the Government. Second, it is immaterial, for that is the very question now that is being inquired into by the Commission as to whether or not he is entitled to be recognized as a citizen and a conclusion from this witness would not throw any light upon it to the Commission, but the facts must be developed so that the Commission can decide itself whether or not he is entitled to be recognized as a citizen of the Cherokee Nation.

Commission: Objection noted.

Mr. Pledsoe: I want the enrollment of Fred Sanders on the Kern-Clifton roll made a part of the record in this case.

The name of Fred Sanders appears upon the Kern-Clifton Roll, page 174, opposite No. 4279.

CASE CLOSED.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 7th day of February, 1905.

Charles H. Sampson
Notary Public.

FILED
MAR 23 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1300.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 13, 1905.

In the matter of the application for the enrollment of Fred Sanders as a Cherokee Freedman.

On account of the calling home of Tuck Sanders, a very important witness in the Fred Sanders case, this case is continued to March 20, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause, and that the above is a full and correct record of said proceedings.

Eula Jeanes Branson

Subscribed and sworn to before me this the 22nd. day of March, 1905.

Myron Walker
Notary Public.

FILED
2005

C. F. D. 1300.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 20, 1905.

In the matter of the application for the enrollment of Fred Sanders, as a Cherokee Freedman.

On this, March 20, 1905, the applicant appearing through his attorney, I. P. Bledsoe, and the Cherokee Nation by its representatives, Bell, Hastings & Davenport. The principal applicant, through his attorney, asks for a continuance until March 30, 1905, which was granted by the commission, no objection being offered by the Attorneys for the Nation.

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Josie Davies, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported all proceedings had in the above entitled cause on the 20 day of March, 1905, and that the above is a full true and complete transcript of her stenographic notes thereof.

Josie Davies

Subscribed and sworn to before me this the 27th day of March, 1905.

Notary Public.

Cherokee Freedman D 1300

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. , MAY 4, 1905.

In the matter of the application for the enrollment of Fred Sanders as a Cherokee Freedman.

APPEARANCES:

Applicant appears by Attorney I. P. Bledsoe.

Cherokee Nation by Attorney James S. Davenport.

MR. DAVENPORT:

The representatives of the Cherokee Nation appear under protest, and object to the opening of this case and taking of testimony at this time, for the reason that this case has been repeatedly continued from day to day, has been closed, and no motion filed by applicant to re-open said case.

COMMISSION:

Testimony in this case is taken by the Commission on its own motion.

DANIEL SANDERS being first duly sworn , testifies as follows:

BY COMMISSION:

Q What is your name? A. Daniel Sanders.
Q How old are you? A. Going on sixty-one.
Q What is your postoffice address? A. Centralia.
Q Cherokee Nation? A. Yes sir.
Q Do you know Fred Sanders? A. No, I don't know Fred.
Q Do you know his father? A. Yes sir.
Q What is his father's name? A. Squire.
Q Squire Sanders? A. Yes sir.
Q Are you appear as a witness on behalf of Fred Sanders?
A. Well, I don't know Fred, but I know his father.
Q You come up here to testify for this boy? A. Yes sir.

BY MR. BLEDSOE

Q You knew Squire Sanders? A. Yes sir.
Q Who did he belong to? A. Betsy Sanders.
Q Was she a Cherokee citizen? A. Yes sir.
Q Did he belong to her at the commencement of the war? A. Yes sir
Q What became of Squire during the war? A. He went up in Kansas during the war.
Q Did he belong to the army during the war? A. Yes sir
Q Do you know when he came back to the Nation? A. Yes sir.
Q When? A. In '63.
Q Do you know whether he remained in the Cherokee Nation until his death? A. I think he did, so far as I know.
Q When did you first see Squire after the war?
A. I never kept no count, but awhile, about two years before this man Madden got killed down here at Braggs.
Q You heard of Squire Sanders being in the Nation repeatedly before that time ? A. Yes sir.

Mr. DAVENPORT:

I object to what he has heard and move to strike it out of the record.

Q Have you known of squire sanders being in the Cherokee nation pretty well up to his death? A. All the time that I knew of him he was here. Him and Dick Whitmire deserted the army right out here by Fort Gibson, and stayed out there among the Indians; them fullbloods.
Q What District was that? A. Goingsnake.
Q Was Squire Sanders always considered a citizen?

MR. DAVENPORT:

I object to that as being incompetent.

COMMISSION:

Do you contend that Squire sanders is enrolled or recognized on the Tribal Rolls?

MR. BLEDSOE: He is on the Kern-Clifton Roll.

COMMISSION: Is he on any other?

MR. BLEDSOE: I don't know sir.

BY MR. DAVENPORT:

Q The last time you saw Squire sanders during the war was in 1862? A. He deserted the army in '63.
Q From that time up until about the time Tom Madden was killed you had not seen him? A. I hadn't seen him.
Q Do you know whether Squire sanders was ever married to the woman who is reputed to be the mother of Fred? A. No sir.
Q And you do not know Fred? A. I seen the boy down at Braggs.
Q The time Tom Madden was killed was some time the latter part of the 90's, wasn't it? A. Some time in '90.
Q You don't know who the mother of Fred was? A. No sir.

Q You don't know whether she and Squire were ever married?A. No sir
Or whether they ever lived together as husband and wife? A
A. No sir, I don't know her. I never knew her at all.

COMMISSION:

Q Do you know whether or not Squire is dead? A. Yes sir, I know he is dead.
Q About how long ago did he die, to the best of your recollection?

A. I don't just exactly know, he must have been dead five or six years.
Q Do you think he has been dead fifteen years? A. Well, I don't know if he has been dead that long.
Q You said five or six years? A. I never kept a record of it, of his death, I just heard of him being dead, and I never asked when he died.
Q Do you think he was living fifteen years ago or twenty years ago? A. It has not been that long since his death.
Q Now, my question is, can you swear positively that Squire Sanders was living twenty years ago? A. Well, I never just kept the date of what time , and that time that I seen Squire I couldn't just swear positively.
Q You stated that your best recollection is that he died five or six years ago? A. That was when I heard it. I didn't know of his death.
Q That was when you heard that he was dead, you don't know when he died? A. No sir, I didn't know when he died, I just heard about that time that he was dead . I lived eighty or ninety mile miles from him.
Q From the time of the war up until now you never saw him? A. No, I saw him before Madden was killed, you know, I was down at Braggs and---
Q Was this Squire sanders known by any other name? A. No sir, No other name but Squire sanders as I know of.
Q But was he ever called any other name? A . Some people may have called him Chambers.
Q Do you know whether he was a slave or not? A. Yes sir.
Q Who did he belong to? A. Betsy sanders.
Q Did he belong to her at the beginning of the war? A. Yes sir.
Q And he continued her slave until about 1862? A. Until '63.
Q And then you lost track of him until some time in the '90's?
A. Yes sir.

MR. HLEDSOE: I ask that this evidence be made a part of the record in the case of Chlora Gross, wife of Lee Gross. Chlora Gross is a sister of Fred Sanders.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings had in the above case on the first above mentioned date and that the foregoing is a full true and complete transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 6th day of May, 1908.

[illegible]
Notary Public.

Cherokee Freedman D 1300.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 29, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FRED SANDERS as a Cherokee freedman.

APPEARANCES:
For Applicant, I. P. Bledsoe.
For Cherokee Nation, W. W. Hastings.

It appears from the records of this office that on March 3, 1906, this case was remanded by the Secretary of the Interior in order to secure additional evidence to determine the right to enrollment of the applicant as a Cherokee freedman. On March 10, 1906, the applicant, his agent, and the attorneys for the Cherokee Nation were duly advised of the Department's action and notified that they would be permitted to appear and introduce such additional evidence on March 29, 1906, at which time the following proceedings were had.

JOHN ISRAEL, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A John Israel.
Q How old are you? A 31.
Q Where do you live? A Six miles east of Braggs.
Q You are a Cherokee Indian by blood? A Yes sir.
Q On the roll straight? A Yes sir.
Q How long have you known Fred ganders? A 14 or 15 years.
Q Where did he live when you knew him? A He lived out east of Braggs.
Q In the Cherokee Nation? A Yes sir.
Q Did you ever sit on a jury with him? A Yes sir.
Q That jury was summoned by Cherokee Officials, Cherokee citizens sat on that jury? Did you ever see him vote at a Cherokee election? A Why I have seen him at the polls and I suppose he voted. We always counted him as a voter.
Q You always considered him as a citizen? A Yes sir.

BY MR. HASTINGS:
Q You don't know whether he returned here in time under the Treaty of 1866? A No sir.
Q And you never knew him until about 14 years ago? A No sir.
Q And you have lived around Braggs all this time in Illinois District? A Yes sir.
Q Where did he go from about 14 years ago? A I couldn't tell you.
Q He was a stranger in that country until then? A Well I was too.
Q Where did you come from? A I came from Tahlequah.
Q You don't know of your own knowledge whether he voted? A No sir, I couldn't swear whether he voted but we always counted him as a voter there in our District.
Q You counted every one that you could vote? A Yes sir. A

Q And you voted all of those too late fellows that you could? A We considered him as a citizen.
Q What jury did he ever sit on? A Well if I aint mistaken it was in the case of Ross Benge and Daub Rider.
Q Do you mean to say he was one of the final panel or just summoned?
A He was one of the final panel.
Q Were you on the jury? A Yes sir.
Q And he was too? A Yes sir.
Q Do you know whether the question of his citizenship was raised or not? A No sir, I don't.
Q You don't know whether either side raised the question of citizenship? A No sir. If they did I don't remember.
Q Are you certain he sat on the jury finally? A Yes sir, I think I am.
Q Well do you know whether you are or not? A Yes sir.
Q Did they have a trial? A Yes sir.
Q And a verdict? A Yes sir, I think they did.
Q Well now do you mean to say you were sitting on a jury in a murder trial and you don't know whether there was a verdict or not?
A We reported once and we were hung, and we were sent out a second time and then we agreed, we rendered a verdict.
Q How far do you live from this man? A My place is about, I expect about between three quarters and a mile north of where he lives.

BY MR. BLEDSOE:
Q They didn't allow any one but Cherokee citizens to sit upon those juries did they? A No sir, I don't think they did.

BY MR. HASTINGS:
Q How do you know now if the question of his citizenship wasn't raised you know it wasn't raised then? A I don't think it was.
Q Then it wasn't determined was it? A Well I couldn't say.

W I T N E S S E X C U S E D .

FRED SANDERS, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Fred Sanders.
Q How old are you? A 36.
Q Where do you live? A Over by Braggs.
Q How far? A About six miles.
Q How long have you lived there? A I have been there about, I don't know just exactly, I have been there a good while though.
Q Well about how many years? A I guess something like ten or 12 years.
Q Are you married? A Yes sir.
Q Where were you married? A In Illinois District.
Q Your wife a citizen? A No sir, she aint no citizen.
Q Who married you? A Why I forget his name now.
Q You forgot who married you? A I forget the fellows name.
Q Where were you married? A Right there at Braggs.
Q How old do you say you are? A 36 years old.
Q Where did you come from when you went to Illinois District? A From Tahlequah District.
Q What part of Tahlequah District? A About two or three miles right out north.
Q North of the town of Tahlequah? A Yes sir.
Q How long had you lived there? A We had lived there about 3 or 4 years I guess.

Q Where did you come from there? A Goingsnake District.
Q How long had you lived in Goingsnake District? A Well just about ever since I can remember.
Q What part of Goingsnake did you live in? A We lived near the old Court House in Goingsnake District.
Q Do you mean to say that you had lived there up to the time you went near Tahlequah? A Yes sir.
Q Now on whose place did you live when you went near Tahlequah?
A We lived on a fellow's place by the name of Henry Johnson.
Q Was he a colored man or white? A Colored man.
Q Two or three miles north of Tahlequah? A I guess it was two miles, on the main road right about old man Henderson.
Q What old man Henderson? A I don't know what his first name was, I forget it.
Q You said that was two or three miles north of the town of Tahlequah
A Aint that north.
Q Was it out on the prairie? A No sir, in the timber.
Q What was your mother's name? A Katie.
Q Where does she live? A She is dead.
Q Where did she die? A At Braggs.
Q Where did your father die? A Here.
Q At Muskogee? A Yes sir.
Q When? A If I aint mistaken it was in 1900.
Q You mean to say now you come from Goingsnake District down to Tahlequah direct? A Yes sir.
Q When did you go to Kansas? A If I was ever in Kansas I don't know anything about it.
Q Why didn't you bring some witnesses who knows when they come back from Kansas? That is further than I know anything about.
Q You never have brought any witnesses on that? A No sir.
Q Never have brought any witnesses here about when your mother came back? A No sir.
Q Got any witnesses here to day on that? A When my mother come back.
Q Yes? A No sir, I haven't.
Q How long ago did you say she died? A She died in 1887, if I aint mistaken it was '87.
Q Were you living with her when she died? A No sir, I wasn't staying with them. I was staying near right about where I am staying now.
Q How old were you when your mother died? A I don't remember just how old I was when she died.
Q On whose place did you live in Goingsnake? A Betsy Whitmire.
Q Right there near the old Court House? A Yes sir.
Q Did you know any of her folks? A Yes sir.
Q What were their names? A She had one by the name of Walter and one named Eli and one named Gerty I think.
Q And they were living there when you were living there? A Yes sir.
Q Were your father and mother living together there? A Yes sir.
Q And living on their place? A Yes sir.
Q And they were living there when you can first remember? A Yes sir.
Q And that is since the war? A Yes sir, I don't know anything about the war.
Q About how old were you when you left xx from there? A I couldn't say.
Q Your best judgment as to your age? A I couldn't hardly say that and be safe because I don't remember.
Q Well I want your best judgment about your age when you left there? Were you as much as 10 years old? A I guess so.
Q Then you come direct from there to this place north of the town of Tahlequah to the Henry Johnson place? A Well now I don't know just exactly whether we come there. I don't remember whether we come from there or from the other side of what is called Barren Fork. There is a little stream out there they call Barren Fork

and I remember of living over there, but which place we left from I don't know. I spoke awhile ago a little too fast but it was in Goingsnake District.

Q Well how far was the Whitmire place from Barron Fork? A It wasn't so far.

Q North or south or east or west? A It seems, I can't hardly tell it runs so funny.

Q What kind of a house did Betsy Whitmire live in, or did she have any house? A Yes she had a house.

Q Did she have any field? A Yes sir, had a field. I don't know it must have been, part of it must have been a frame building.

Q Do you know? A No sir, I don't. I have been in it lots of times but I don't remember now. But the house we lived in was a log house.

Q How far was it from Whitmire's? A About twenty steps, right in the same yard.

Q Now don't you know what side of Barron Fork and how many miles?

A No sir.

Q Was it a short distance or a good long distance? A It was a short distance, but when it come to me saying how many miles I don't know.

Q Was it a mile or two or three miles, or right on the bank? A It wasn't right on the bank. I say I guess it was a mile.

Q You don't know which direction from you Barron Fork was, north, south, east, or west? A It seems to me like it was east.

Q The creek was east of you? A Yes sir, it seems to me it was.

Q And did the creek flow north or south, if it was east of you?

A Seem like it rung kinder around in that direction.

Q Did you have any other brothers or sisters? A Yes sir.

Q Then? A Yes sir, I had two then.

Q Did you everlive with your mother over here in the Creek Nation?

A No sir.

Q Now then you have never lived except in Goingsnake and from there when about ten years old you come down north of Tahlequah? A Yes sir.

Q And you lived around Tahlequah about three years? A Something near that.

Q And from there you went down to Illinois District? A Yes sir.

Q And you swear that positively? A Yes sir.

Q And you say you are about 36 years old? A Yes sir.

Q Then you were born in about 1870? A Yes sir.

Q Then you were about 10 years old when you left Goingsnake and went down to Tahlequah? A Yes sir.

Q Now who knew you lived at Tahlequah? Who ever knew you when you lived out there? Who were any of your neighbors? A Johnson Meigs, Sam Meigs.

Q Well now why haven't you never gotten any of these people in Goingsnake that you knew in these days and brought them in? A Well I don't know just exactly. I didn't know that I would hardly need them.

Q You knew you have been rejected here one time and you never put any testimony in showing your parents return in time, and you never applied yourself, did you? A Yes sir.

Q This application was made by Emmet Starr? A I don't know that man at all.

Q But you never applied yourself? A Yes sir.

Q You never come to Fort Gibson and applied yourself in 1901? A 1902 if I aint mistaken.

Q You found application had already been made for you? A I don't understand how application could be made for me [illegible] if I hadn't been age or something of that kind. And this man Emmet Starr, I don't know him at all.

Q Did your father live down here on the road to Fort Gibson near Mrs. Nivens' a good many years ago? A Not that I know of.

ON BEHALF OF THE COMMISSIONER:
Q Have you got some brothers and sisters? A Yes sir.
Q What are their names? A One named Ike and one named Sam.
Q Name the others? A Ike, Sam, Will, Chlora, and Berry.
Q Are all of those you name got the same father and mother? A Yes sir.
Q Now have they been enrolled? A No sir.
Q Did they ever apply for enrollment? A I don't think they did.
Q Do you know why? A No sir.
Q Were they ever recognized as citizens? A Why they--my father drew money for them.
Q Do you know why they never applied for enrollment? A No sir, I couldn't tell you that.
Q Have any of them filed? A No sir.

BY MR. HASTINGS:
Q Were your father and mother living together in Goingsnake District?
A Yes sir.
Q And they were living together near Tahlequah? A Yes sir.

BY MR. BIRDSOE:
Q What is Chlora's name now? A Chlora Gross.
Q Who did she marry? A Lee Gross.

ON BEHALF OF THE COMMISSIONER:
Q Was any application ever made for the enrollment of Chlora Gross as a Cherokee freedman? A I don't know.

The records of this office show that on September 9, 1901, Lee Gross appeared before the Commission to the Five Civilized Tribes and made application of, among others, his wife, Chlora A. Gross, a daughter of Squire and Katie Sanders. She is listed on Cherokee Freedman R Card 490.

W I T N E S S E X C U S E D .

S. S. SANDERS, being first duly sworn, testified as follows:

BY MR. BIRDSOE:
Q What is your name? A S. S. Sanders.
Q How old areyou? A 33.
Q Are you a Cherokee by blood? A Yes sir.
Q Where do you live? A Braggs.
Q How long have you been living there? A Off and on I have been there for the last 7 or 8 years.
Q Do you know Fred Sanders? A Yes sir.
Q How long have you known him? A About 12 or 14 years.
Q Did you ever sit on a jury with Fred? A No sir.
Q Did you know him to sit on juries? A Yes sir.
Q Cherokee juries? A Yes sir.
Q Did they allow anybody but Cherokee citizens to sit upon a Cherokee juries? A That seemed to be the ruling.
Q Did you ever know Fred Sanders to vote? A I knew of him voting have cause to believe he did vote.
Q What was his citizenship generally considered by you and other citizens there in the neighborhood?

Mr. Hastings:
Objected to by the Cherokee Nation because it is purely heresay and calls for an opinion by the witness.

On Behalf of the Commissioner:
Objection noted.

A Everybody around there recognized him as a citizen of the Cherokee Nation.

BY MR. HASTINGS:
Q Do you know where he was born? A No sir.
Q You never say him until 12 or 14 years ago? A No sir.
Q You don:t know whether his right to sit on the jury was questioned and whether the question was brought up for the Court to decide?
A I know the question wasn't brought up because he probably would not have sat there if the question had been brought up.
Q Then his question of citizenship wasn't determined by the Court at that time? A No sir.
Q Now about when did you ever know of his voting? A Well I made a race there in '99.
Q As a matter of fact you folks voted everybody you could on both sides? A I don't know whether we did or not because it is a violation of law.
Q I am asking you now under your oath, I am going to ask you if you didn:t vote every one of those people you could possible vote there on election day? A I voted every person who I thought had a vote. I never questioned their citizenship.
Q You never asked them about their citizenship? A No sir.
Q You don't know anything of your own knowledge oabout this man's citizenship as to whether his parents came back under the Treaty or not? A No sir.

BY MR. BLEDSOE:
Q Had it not been customary at all these elections to vote anybody and everybody you could? A I don't know the custom before I came into it, but we that seemed to be the custom when I was there.

ON BEHALF OF THE COMMISSIONER:
Q Did you see Fred Sanders in town today? A No sir, I haven't seen him.
Q Do you know the father of the person about whom you are testifying?
A No sir, never met him.
Q What is the post office of the Fred Sanders you are testifying about? A Braggs.

By agreement between the Agent for the applicant and the Attorney for the Cherokee Nation, this case is continued until Thursday, April 12, 1906, at nine o'clock A. M.

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Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesaley

Subscribed and sworn to before me this 30th day of March, 1906.

B. P. Rasmus
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., APRIL 12, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FRED SANDERS as a Cherokee freedman.

APPEARANCES:
For Applicant, I. P. Bledsoe.
For Cherokee Nation, W. W. Hastings.

It appears from the records of this office that the hearing in this case was continued from March 29, 1906, until April 12, 1906, at which time the following proceedings were had.

JOSEPH JOHNSON, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Joseph Johnson.
Q How old are you? A Going on 53.
Q Are you a Cherokee Freedman? A Yes sir.
Q Where do you live? A I live now at a place called Rentesville.
Q In the Cherokee Nation? A No sir, in the Creek Nation.
Q Where were you in 1866, or along theire, '65, '66 and '67,--were you you taken north or south during the war? A I went south.
Q What time didyou come back? A I don't know exactly when we come back, they hadn't made peace, they made peace the next spring after we come here.
Q Where did you come to? A Fort Smith.
Q Whereabout sin the Cherokee Nation? A Illinois District.
Q Near what place? A Our old home, the Johnson place. Right on the bank of the river this side of Fort Smith.
Q How long did you remain there? A About six months I reckon, or maybe a little longer, and from there went to Flint District.
Q Near what place? A Near Wilsonville it was called at that time, right on theline.
Q Did you know one Squire Sanders? A I seen him, yes sir.
Q When did you first see him after the war? A The year we moved up there.
Q How long was that after the war? A Well now I say I don't know exactly, it was sometime in '66, I don't know how long it was exactly.
Q Where did you see him? A At the old Whitmire place.
Q What washe doing there? A Packing out rails, the old fence row had been burnt up.
Q Have you seen him since that time? A I seed him two or three times after that.
Q Was he considered a Cherokee freedman?

Mr. Hastings: Objected to for being leading and calling for an opinion of the witness.

On Behalf of the Commissioner: Objection noted.

A He was always called a Cherokeecitizen to my knowledge.

BY MR. HASTINGS:

Q When did you next see him? A It was some two or three years after I seed him,--I come to Council at Tahlequah, but I don't know whether he was living there or not.
Q Were you at his house on the Whitmire place? A Just passing by, coming over to old man Walkingstick's to get some young cattle to work.
Q What Whitmire was this? A Betsy Whitmire.
Q Did you know her? A No sir.
Q What place in Goingsnake was that? A At the old George Whitmire farm.
Q Near what place in Goingsnake is it now, what town or post office?
A I don't know how the country is cut up now, couldn't tell anything about it.
Q About how far from Tahlequah? A I don't know the distance at all from Tahlequah over to where I seed that party.
Q Who were you up there with at that time? A Me and my brother.
Q What is your brother's name? A Aaron Johnson.
Q Just you two? A We went after a yoke of cattle over at old man Walkingstick's.
Q And you went by Whitmire's? A Yes sir.
Q And there is where you saw Squire? A Yes sir.
Q Who else were there? A There was some men, colored people.
Q But you want be positive what year it was? A No sir.
Q Did you see his wife? A Don't know his wife.
Q Did you see Fred this boy? A Didn't see any of his family only him.
Q When did you first see Fred after the war? A I couldn't tell you, he was a young man when I seed him, I was up at Vinita at that time.
Q How long was that after you saw his father in Goingsnake? A I couldn't tell you.
Q Two or three years? A Longer than that.
Q Your best judgment? A About four years.
Q About four years after you saw Squire at the Whitmire place you saw Fred at Vinita? A Yes sir.
Q He was a young man? A Yes sir.
Q About 18 or 20 years old? A I haven't any idea about his age.
Q He was a young man? A Yes sir.
Q And that was about four years after you saw Squire at the Whitmire place? A Yes sir.
Q How did you happen to come over as a witness in this case? A I was calledhere.
Q Who calledyou? A Col. Bledsoe here.
Q Call you by letter? A Yes sir.
Q What side of the river was the Whitmire place? A On the east side.
Q Of what river? A Illinois River.
Q How far was it from Illinois River? A I don't know just the distance from Illinois River.
Q Well right close? A Well it was some distance.
Q A mile or two? A More than that.
Q Wasit in the neighborhood of Illinois River? A Yes sir, where I seed them it was.
Q That is the old Whitmire place you are talking about? A That is all I know about it.
Q Your best judgment as to how far it was from the Illinois River?
A It must have been 4 or 5 miles.
Q How do you know it was the old Betsy Whitmire place? A It was always called that.
Q Did she have any children? A I don't know.
Q Do you know Eli Whitmire? A No sir, I don't know any of those places at all only by what they call it at the time we passed there.

Q Don't you know that that old Whitmire place isn't in 20 miles of Illinois River? A It was less than 20 miles where they showed us the Whitmireplace.
Q How much are you getting for testifying in this case? A I aint getting anything.
Q How did you come to come up here to testify in it? A I have done told you that .
Q And about four years after you saw Squire over on the Whitmire place you saw Fred at Vinita and he was about grown? A Well to my best judgment , I never seen him over there, I seed Fred.
Q About four years afterwards you saw Fred? A Yes sir, I started over to Big Creek and I seed Fred.
Q You are as positive about one of these facts as the other? A Yes sir.
Q Did it ever occur to you that the records here show Fred Sanders was born in 1870 and that you saw him about 1880, therefore it would be about 1885 you saw Squire on the Whitmire place? A This old man Rabbit Sanders,--he told me old Rabbit Sanders was his father's brother
Q And that was about four years after you saw Squire? A To the best of my knowledge that is it.
Q How much are you paid to testify here? A That is my business.
Q Are you paid anything? A Aint paid anything yet.
Q What are you to get? A That is my business.
Q Are you to get anything for testifying in this case? A Well if Fred gets his rights I will get something, ifhe don't get no right I don't get nothing.
Q It all depends upon Fred getting his right? A Yes sir.
Q Have you got a contract with Fred or Bledsoe? A I haven't got a contract with any one.
Q How do you know you are going to get something if he gets his right? A I have done told you all I know about the case.
Q I have got a right to inquire of you to know what you are going to get to testify in this case? A Mr. Hastings you arethe only lawyer that ever asked me that, no other lawyer never asked me that.
Q Whave you any contract with Fred or Bledsoe what you are going to get if Fred is enrolled? A Which ever of them gets anything I am bound to get something.
Q What are you to get? A I made no certain price.

BY MR. BLEDSOE:
Q You cannot read nor write can you Joe? A No sir.
Q You don't know but very little about dates? A Don't know anything but very little.
Q When you saw Fred to know him he was something like a young man?
A Yes sir.
Q You don't know how long positively that it was afteryou saw Squire until you saw Fred? A No sir, I aint positive, just thought that it was about four years and if it aint right that is as far as I can give.

BY MR. HASTINGS:
Q That is your best judgment? A Best judgment.

W I T N E S S E X C U S E D .

ELI H. WHITMIRE? being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:
Q What is your name? A Eli H. Whitmire.

Q How old are you? A I was born in 1858.
Q What is your post office? A Westville, I. T.
Q What was your mother's name? A Betsy Whitmire.
Q Where were you at the close of the war,--did you go out of the Nation during the war? A I guess when the war closed we were down on Red River in the Choctaw Nation in the spring of 1866.
Q Did you return back to the old homse place? A Yes sir, we moved then in the fall of 1866,--no summer of 1866 into the Cherokee Nation on Canadian River and stayed there during the summer and the following November moved back on the old home place that we left before the war.
Q Was your father alive then? A Yes sir.
Q How long did you continue to live over on that old home place with your mother? A Until I was 28 years old, then I married and bought a farm adjoining and moved there.
Q You have lived right there in the vicinity ever since? A Yes sir.
Q Did you know a colored man named Squire Sanders? A Yes sir.
Q Did he ever live upon your mother's farm after the war? A Yes sir.
Q When did he come there? A Well to the best of my recollection it was sometime in 1874 or '75, that is the best of my recollection.
Q Where did he come from? A He came from Washington County, Arkansas, near Boonesboro or Cane Hill, or Sugar Hill somewhere in ther .
Q How do you know? A He came down and rented some land from mother and she furnished him a team to move down.
Q What did his family consist of? A He had a wife and two children I think.
Q Do you remember the names of those children? A The eldest one was named Fred and I think the next one was named Sam I believe.
Q Were they small? A Yes sir.
Q About how old was Fred when he moved down on your mother' s farm?
A I don't know, he looked to be a boy as well as I can remember 4 or 5 years old, somewhere along there.
Q How long did he remain on your mother'splace? A Stayed there on year.
Q Where did they go from there? A They moved,--I thought they moved from our place to Tahlequah but I was talking with other parties and remember now they moved from our place back east to Thornton's place and stayed there, to the best of my recollection, one year, and then moved in toward Tahlequah somewhere.
Q Are you positive they didn't come to your place earlies than 1874? A Yes sir, I know they come between, I think it was 1873 or 1874. Why I am positive about it, father died in 1871 and I know it was after that some two or three years before they came d down there, and I left home and come to the Male Seminary and stayed there four years, and I know it was between the time father ied and when I went to the Male Seminary.
Q You know it was between 1871 and '76? A Yes sir.
Q And you fix it about 1874? A Yes sir.
Q Had Squire Sanders ever been on that place before? A No sir, never saw him until he come down to rent some land from mother.
Q Was he there in 1866? A No sir, we never got back until November, 1866, on our old home place.

BY MR. HLEDSOE:
Q If he states positively that he was there in the neighborhood of 1866 you are not prepared to deny it are you? A No sir, because I don't know, I was quite small then when we moved back there. We moved back in the fall of 1866 to our old home place and I never knew anything about him until he rented some land from mother.

Q Do you know what his wife's name was? A Yes sir, Katie.
Q How long did you know Squire Sanders after that? A Just a little while after that, and I don't remember whether I ever saw him after that, but he moved away from that neighborhood the next year, he made a crop that year on the Thornton place and after he moved from there I don't know whether I ever met him then or not.
Q Times were pretty poorly about those times? A Yes sir.

BY MR. HASTINGS:
Q You know that Squire Sanders was not at your place in 1866 when you got home? A No sir.
Q You never heard of his being there? A No sir.
Q He never said anything when he come down there in 1874 about being there before? A No sir, if he ever said anything about living there I never known it. He belonged to some Sanders that lived over southwest of us on Caney Creek before the war, but I never heard him say anything about him living there after the war.

BY MR. BLEDSOE:
Q Those people are Cherokee citizens? A Yes sir, this old man Squire Sanders talked both languages.
Q And he could have possible been in there and you not known it?
A Yes sir.

BY MR. HASTINGS:
Q He wasn,t livingon your mother's place? A No sir, I am positive about that.

W I T N E S S E X C U S E D .

WATT WHITMIRE, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Watt Whitmire.
Q What is your age? A 53.
Q What isyour post office? A Westville.
Q Where did you live before the war? A I lived up in Goingsnake Distrect.
Q Did you go south during the war? A Yes sir.
Q To what point did you return and when? A Back to the old home place in Goingsnake on Peavine it is called.
Q When did you come back there? A In the fall of 1866.
Q Did you know Betsy Whitmire, the mother of Eli Whitmire, who has just left the stand? A Yes sir.
Q Was she related to you? A She was my Aunt.
Q How far did you live from them in the fall of 1866? A We moved right together, father's family and her family moved back together. They moved in about 3 or 4 miles north of father's.
Q Were you ever at their place frequently from that time on?
A Yes sir.
Q Did you ever know a colored man named Squire Sanders? A Yes sir.
Q When did you first learn to know him after the war? A Well the first to the best of my recollection, the first I recollect of seeing him was along about 1874 or '75.
Q Where did you see him? A He moved down on Aunt Betsy Whitmire's place.
Q Do you know where he come from? A Cane Hill, Arkansas.
Q How long did he live on the Betsy Whitmire place? A He made one crop there.
Q Where did he move from there? A Upon Barren Fork on the Bill Thornton place is a half mile of where I live.

Q How far is this Betsy Whitmire place from the Illinois River? A 16 or 18 miles is the nearest point.
Q Where did Squire Sanders move to after he left Thornton's place?
A He come in west toward Tahlequah.
Q Did you see or hear anything of Squire Sanders in the fall of 1866 when you went back up there on the Betsy Whitmire place?
A No sir.
QHad you ever seen him or heard of him after the war prior to 1874 or '75? A No sir, that was the first I ever knew of him.
Q And he moved down there from Cane Hill, Arkansas? A Yes sir.
Q Do you remember whether he had any family? A Yes sir, he had a wife and two children.
Q Did you know one they called Fred? A Yes sir/
Q Was Fred alive at that time? A Yes sir.
Q About how big a boy? A A chunk of a boy likely to be 7 or 8 years old.
Q Was Fred the oldest or youngest? A Yes sir.
Q How many morechildren did he have? A I aint certain but I think just one more boy.
Q You say they lived there near you? A Yes sir, and made one crop on the Thornton place.

BY MR. BLEDSOE:
Q You didn't see Squire Sanders until 1873 or '74? A That is the first recollection I have of ever seeing him.
Q You don,t know whether he was in the Cherokee Nation in 1866 or not? A No sir, I don't.
Q How long have you known Squire Sanders since you met him there and saw him there? A Since he ~~hired~~ left the Thornton place?
Q Yes? A I don,t believe I have seen him but once and that was at Tahlequah.
Q What was his wife's name? A Katie.
Q Do you know whether they were slaves of Cherokee citizens or not prior to the war? A Well I can only tell what I have learned about it. He called his name Sanders when he lived with us but I never did ask what ganders he belonged to, after that I was at Tahlequah and was talking with Teece Chambers and he told me Squire was no Sanders that he belonged to his father, Joe Chambers. That is all I know about it.
Q Was Joe Chambers a citizen? A Yes sir.

W I T N E S S E X C U S E D .

The representatives of the applicant and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 16th day of April, 1906.

Chas E Webster

Notary Public.

Dec'd

Cherokee Freedman
D 1300

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fred Sanders as a Cherokee Freedman.

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D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on June 30, 1902, Emmet Starr appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of Fred Sanders as a Cherokee Freedman. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on November 23, 1904, and January 31, and May 4, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Fred Sanders, who was born subsequent to 1866, is a child of Katie Sanders and Squire Sanders, who, at the commencement of the war of the rebellion, were the slaves of Cherokee citizens, and that during said rebellion they removed from the Cherokee Nation. The testimony, however, fails to show that said ancestors returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation.

With the exception of the Kerns-Clifton, and the 1896 Cherokee census roll, the applicant cannot be identified on any roll of the Cherokee Nation in the possession of the Commission.

Although ample opportunity has been afforded said applicant to show by satisfactory evidence his right to enrollment as a citizen of the Cherokee Nation, he has failed to do so.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, following the rulings of the Department in the cases of Elisa Bryant et al.(I.T.D. 544-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan et al.(I.T.D. 1470-1904),Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4230-1904), and Moses Ross (I.T.D. 6056-1904), the application made for the enrollment of Fred Sanders as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 23 1905

GTB

COPY.

Cherokee Freedmen D 1300

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fred Sanders as a Cherokee Freedman.

-:-

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Fred Sanders as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 23, 1904, January 31, March 13, March 20, March 30 and May 4, 1905.

The records further show that on June 23, 1905, the Commission to the Five Civilized Tribes rendered its decision herein denying the application for the enrollment of the said Fred Sanders as a Cherokee freedman, and that said decision was duly forwarded the Department for review and decision. Thereafter, on March 3, 1906 (I.T.D. 9232-1905), the Department remanded said case to this office for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 29 and April 12, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Fred Sanders, was born since 1866 and is a son of Squire Sanders and Katie Sanders, nee Vann; that the said Squire and Katie Sanders, nee Vann, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that they left the Cherokee Nation during the progress of said rebellion, and, after ample opportunity having been afforded, it is not by satisfactory evidence established that they returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of

Cherokee freedmen to said Nation, or that the said Fred Sanders possesses any right whatever to Cherokee freedman citizenship; hence, his application for enrollment comes within the rulings of the Department in the cases of Eliza Bryant et al (I.T.D. 544-1904) William Rector (I.T.D. 1468-1904), Minnie Duncan et al (I.T.D. 1470-1904) Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4830-1904), Moses Ross (I.T.D. 6056-1904) Jane Looney et al. (I.T.D. 5410, 12685-1904), Florence Bratcher (I.T.D. 12692-1904) and Frankie Grimmett (I.T.D.1792-1905).

The said Fred Sanders is identified on the Kern-Clifton roll and the Cherokee Census roll of 1896, but neither he nor any one through whom by any possibility he might claim the right to enrollment as a Cherokee Freedman, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, for the additional reasons set out herein, the decision of the Commission to the Five Civilized Tribes rendered June 23, 1905, denying the application for the enrollment of Fred Sanders as a Cherokee Freedman, should be, and the same is, hereby affirmed.

Commissioner

Dated at Muskogee, Indian Territory,
this JUL 13 1906

Cherokee Freedmen,
D-1300.

Muskogee, Indian Territory, October 17, 1904.

J. D. Cox,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 12, relative to the enrollment of Fred Sanders as a Cherokee freedman.

In reply you are advised that an examination of the records of the Commission shows that the said Fred Sanders is included in the application made by Emmett Starr for those persons whose names appear upon the 1896 census roll of the Cherokee Nation. The record in the case fails to show that he ever appeared personally in his own behalf.

You are further advised that said Fred Sanders has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 23, 1904, and introduce testimony establishing his right to enrollment as a Cherokee freedman.

Respectfully,

SIGNED Tams Bixby.
Chairman.

C.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.8943-1906.
I.T.D.9232-1905. March 3, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is remanded to you the record in the matter of the application of Fred Sanders for his enrollment as a Cherokee freedman to secure additional evidence to determine the right to enrollment of applicant as a Cherokee freedman.

It appears that Fred Sanders was born about 1870 in the Cherokee Nation, where he has always lived; that he is the son of Squire Sanders and his wife, Katie, nee Vann, both of whom were slaves of Cherokee citizens at the outbreak of the rebellion. Applicant's name does not appear upon the authenticated Cherokee roll of 1880, but does appear upon the Kern-Clifton roll and the 1896 Cherokee census roll.

The Commission failed to state whether the name of either parent of applicant appeared upon the 1880 authenticated roll or any other of the Cherokee tribal rolls in its possession.

It is averred that the father of applicant, Squire Sanders, "went up in Kansas during the war," and that he came back to the nation "in '65;" that "he and Dick Whitmire deserted the army

right out here by Fort Gibson, and stayed out there among the Indians, them full bloods;" that he was again seen in the nation in 1890, at the time Tom Madden was killed; that he died in 1900, near Muskogee.

The whereabouts of the mother, Katie Sanders, nee Vann, a Cherokee slave, during and at the close of the war, is nowhere shown.

Applicant claims to have drawn the 1896 payment at Fort Gibson, Ind. T., and has voted and sat on juries, and claims to have been a recognized citizen of the Cherokee Nation.

You are requested to reopen said case for the purpose of securing additional testimony to determine whether applicant's parents actually removed from the Cherokee Nation and whether they returned thereto prior to February 11, 1867.

Respectfully,

(Signed) Thos Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inclosure.

Cherokee Freedmen

D-1300.

Muskogee, Indian Territory, March 10, 1906.

I. P. Bledsoe,

Agent for Fred Sanders,

Choteau, Indian Territory.

Dear Sir:

In connection with the application for the enrollment of Fred Sanders as a Cherokee freedman, you are advised that this office is in receipt of Departmental letter of March 3, 1906, in which the record in said case is returned to this office and a rehearing ordered for the purpose of taking additional testimony to determine his right to enrollment as a Cherokee freedman.

Fred Sanders has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, March 29, 1906, and introduce testimony tending to show that his parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, or free colored persons residing in the Cherokee Nation at that time; whether they left the Cherokee Nation during the war, and if so, when they returned to the Nation thereafter. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-40

Acting Commissioner.

Cherokee Freedmen

D-1300.

Muskogee, Indian Territory, March 10, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of Fred Sanders as a Cherokee freedman, you are advised that this office is in receipt of Departmental letter of March 3, 1906, in which the record in said case is returned to this office and a rehearing ordered for the purpose of taking additional testimony to determine his right to enrollment as a Cherokee freedman.

Fred Sanders has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, March 29, 1906, and introduce testimony tending to show that his parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, or free colored persons residing in the Cherokee Nation at that time; whether they left the Cherokee Nation during the war, and if so, when they returned to the Nation thereafter. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Cherokee Freedmen

D-1300.

Muskogee, Indian Territory, March 10, 1906.

Fred Sanders,

Braggs, Indian Territory.

Dear Sir:

In connection with the application for your enrollment as a Cherokee freedman, you are advised that this office is in receipt of Departmental letter of March 3, 1906, in which the record had in your case is returned to this office and a rehearing ordered for the purpose of taking additional testimony to determine your right to enrollment as a Cherokee freedman. Further testimony is desired as to whether or not your parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, or free colored persons residing in the Cherokee Nation at that time; whether they left the Cherokee Nation during the war, and if so, when they returned to the Nation thereafter.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, March 29, 1906, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee Freedmen

R-339-D-1300.

Muskogee, Indian Territory, March 31, 1906.

I. P. Bledsoe,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings of March 29, 1906, had in the Cherokee freedmen enrollment case of Sudie Edmondson, et al.

There is also inclosed a copy of the proceedings had on the same date in the Cherokee freedmen enrollment case of Fred Sanders.

Respectfully,

Incl. S-91

Acting Commissioner.

COPY.

Land
60211-1906.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. December 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 3, 1906 (I.T.D. 9232-1905), there is enclosed a report from the Commissioner to the Five Civilized Tribes; dated July 13, 1906, transmitting the record relative to the application of Fred Sanders for enrollment as a Cherokee freedman.

On June 30, 1902, Emmet Starr applied to the Commission to the Five Civilized Tribes at Muskogee, I.T. for the enrollment of Fred Sanders as a Cherokee freedman. Further proceedings were had on November 23, 1904, January 31, March 13, 20, 30, and May 4, 1905.

On July 13, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

On June 23, 1905, the Commission decided that the applicant was not entitled to be enrolled as a Cherokee freedman and on March 3, 1906, (I.T.D. 9232-1905) the Department remanded the case to the Commissioner for further hearing and readjudication. Further proceedings were had on March 29, and April 12, 1906.

The record shows that the applicant was born in 1870 and that he is the son of Squire Sanders and Katie Sanders, nee Vann, who were slaves of Cherokee citizens at the commencement

of the war of the rebellion and resided in the Cherokee Nation: During the rebellion they left that Nation.

A preponderance of the evidence establishes the fact that Squire Sanders and Katie Sanders returned to the Cherokee Nation subsequent to February 11, 1867.

The applicant, Fred Sanders, is identified on the Kern-Clifton roll and the Cherokee Census roll of 1896.

In view of Sec 3 of the Act of April 26, 1906 (34 Stat. L. 137) the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

H.R.D.
M.B.M.

Acting Commissioner.

YP

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON

I.T.D. 25872-1906. January 2, 1907.

LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 13, 1906, you transmitted the record in the matter of the application for the enrollment of Fred Sanders as a Cherokee freedman, including your decision of the same date, adverse to the applicant.

Reporting December 24, 1906 (Land 60211), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

D.C.No. 1158-1907.

Cherokee F.
D 1300.

Muskogee, Indian Territory, January 12, 1907.

Fred Sanders,

Braggs, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, denying your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 2, 1907.

Respectfully,

JMS

Commissioner.

Cherokee F.
D 1300.

Muskogee, Indian Territory, January 12, 1907.

I. P. Bledsoe,

Agent for Fred Sanders,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, denying the application for the enrollment of Fred Sanders as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 8, 1907.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-134.
JMH

Commissioner.

Cherokee F.
D 1300.

Muskogee, Indian Territory, January 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, denying the application for the enrollment of Fred Sanders as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 2, 1907.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-135.
JMH

Commissioner.

Cher. Fr. R. 1224

Trans. from Cher. Fr. R. 1301

Cher. Fr. R. 1224

R
Cher F D 1301

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mary Scales #515 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B. O. Jones
Notary Public.

Cherokee Freedmen 3-1901.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mary Scales as a citizen of the Cherokee Nation.

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O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mary Scales as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mary Scales is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission at the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Mary Scales on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary Scales as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1225

Trans. from Cher. Fr. D 1302

Cher. Fr. R. 1225

Cher F D 1302

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q. What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Milo Snow #619 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this [illegible] day of July, 1902.

[illegible]
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Milo Snow as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Milo Snow as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Milo Snow is identified on the Cherokee [redacted] roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, at the Cherokee Land Office opened on January 1, 1903, at Vinita, and after are removed to Tahlequah, Indian Territory, such information has been constantly sought and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 25, 1902, and whether or not they were entitled to enrollment [illegible] said date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed in the absence of information has been obtained tending to show the status of Wild Snow on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Wild Snow as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1226

Trans. from Cher. Fr. D 1303

Cher. Fr. R. 1226

R
Cher F D 1303

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BUDGETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Judah Thompson #576 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B C Jones
Notary Public.

Choctaw Freedmen 3-1903.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Judah Thompson as a citizen of the Cherokee Nation.

-:-:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Thompson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Thompson is identified on the Cherokee [redacted] roll of 1896 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party traveling overland has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, [redacted] and afterwards removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used [redacted] efforts to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers of general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Judah Thompson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Judah Thompson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1287

Trans. from Cher. Fr. D. 1304

Cher. F. R. 1287

R
Cher F D 1304

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

William Vann #676 Illinois District District;
Carrie Vann #677 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 7, 1902.

B. B. Jones
Notary Public.

[redacted] 3-1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

William Vann as a citizen of the Cherokee Nation.

---:---:---

O R D E R.

THE RECORDS IN THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of William Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said William Vann is identified on the Cherokee [redacted] roll of 1896 as a [redacted]

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before [redacted] office and gave such information as he possessed relative to the identity of the persons whose names were included in said applications [redacted] enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, [redacted] has been constantly sought and since the [redacted] General Office of the Commission [redacted] Muskogee, Indian Territory, [redacted] evidence as to whether or not [redacted] in said applications were living [redacted] whether or not they were entitled [redacted] data.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of William Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of William Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedman D- 1804.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Carrie Vann as a citizen of the Cherokee Nation.

-:-:-:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Carrie Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Carrie Vann is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the Central Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed if no information has been obtained tending to show the status of Carrie Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Carrie Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1228

Trans. from Cher. Fr. D. 1305

Cher. 1228 Fr. R.

R
Chr: F D 1305

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ELMER STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Elmer Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Betsy Webber #746 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B O Jones
Notary Public.

Cherokee Freedmen D-1396.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Betsy Webber as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Betsy Webber as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Betsy Webber is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterwards removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not therefore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Betsy Webber on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Betsy Webber as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1229

Trans. from Cher. Fr. D. 1306

Cher. Fr. R. 1229

R
Che - F D 1306

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Benton #3 Sequoyah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B C Jones
Notary Public.

Cherokee Freedmen D-1896.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

George Benton as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of George Benton as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said George Benton is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

George Benton on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of George Benton as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1230

Trans. from Cher. Fr. D. 1307

Cher. Fr. R. 1230

POOR ORIGINAL -
BEST AVAILABLE COPY

In
Cree F D 1507

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T. May 20, 1902.

In the matter of the application for [illegible] as citizens of the Cherokee Nation.

[illegible] sworn and examined by the Commission, testified as follows:

Q What is your name? A [illegible]
Q [illegible]
Q What is your post office address? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll and their families and descendants:

Nancy Culwell #16 Sequoyah District;
Mary Culwell #17 Sequoyah District;
Corenia Culwell #18 Sequoyah District;
Sallie Culwell #19 Sequoyah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B C Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of 1896. As a [redacted]

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared [redacted] such information as he possessed [redacted] persons whose names are included [redacted] enrolling party traveling [redacted]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to approved new papers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Corenia Culwell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Corenia Culwell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedman D-1307.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Culwell as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mary Culwell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mary Culwell is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Mary Culwell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary Culwell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cherokee Freedmen D-1797.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy Culwell as a citizen of the Cherokee Nation.

—:—
O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Nancy Culwell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Nancy Culwell is identified on the Cherokee Freedmen roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, [illegible] information has been constantly sought [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of

Nancy Culwell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nancy Culwell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Roll Card 2-187.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Sallie Culwell as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Enact Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Sallie Culwell as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Sallie Culwell is identified on the Cherokee [redacted] roll of 1896 as [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. At the Cherokee land office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought. Ever since the filing of said applications the Commissioner to the Five Civilized Tribes, the Secretary of the Interior, the Commissioner of Indian Affairs, the Indian Inspector for Indian Territory, and the United States Indian Agent have been in possession of the records of the Cherokee Nation, and have had access to the records of the Cherokee Nation relating to the persons whose names are included in said applications for the purpose of ascertaining whether or not they were entitled to enrollment as citizens of the Cherokee Nation.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been enrolled for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1906, would be dismissed. No information has been obtained tending to show the status of Sallie Culwell on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Sallie Culwell as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

-COPY-

Muldrow I T

Sep-13-1905

Hon Commission of five Tribes

Dear Sir You will Pardon me for these few lines, I see a List of Persons names in the Cherokee Advocate whom cannot be accounted or has not been accounted for Now I Claim to have Known a few Persons whose Names appear in the List from Sequoyah Dist

Nancy Culwell	Sallie Culwell
Mary "	Alice Simce
Corina "	A Part Choctaw

and Living in Choctaw Nation

Cynthia Chukulate (Col) Dead

James D Jackson adopted white Living

Bettie Foreman Dead

Not Positive think though she is

Richard Childers (Col) Dead

Illinois District

James A. Hawkins White Dead

Esther Gunter (Col) Dead

Sarah Nere age 30 I think is a daughter of Nancy Culwell

Nancy Culwell & the above name Children are Living in Sequoyah Dist P. Office is Brent I T all (Col)

(Signed) J. E. Gunter.

[redacted]

[redacted]

[redacted]

Cherokee
F D-1307

Muskogee, Indian Territory, September 27, 1906.

Nancy Culwell,

Brent, Indian Territory.

Dear Madam:

Application has been made for the enrollment of yourself and children, Mary, Corenia, and Sallie Culwell, as Cherokee freedmen, and your names have been placed on a doubtful card.

This office is informed that you are part Choctaw, and you are requested to advise this office under what names applications, if any, were made for the enrollment of yourself and children as citizens of the Choctaw nation. As this matter is important, you are directed to give it your immediate attention.

Respectfully,

GHL

Commissioner.

Cherokee
F D-1307

Muskogee, Indian Territory, September 27, 1905.

Chief Clerk,

Choctaw-Chickasaw Enrollment Division.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division whether or not any application has been made for the enrollment as citizens of the Choctaw Nation of Nancy, Mary, Corenia, and Sallie Culwell (or Caldwell), ages about 57, 18, 13, and 11 years respectively.

These persons have been listed for enrollment from information as Cherokee freedmen, and their names placed on Freedman card Field No. D-1307.

Respectfully,

GHL

Commissioner.

W.O.B.

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 30, 1905.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, requesting that your division be advised if any application has ever been made for the enrollment of Nancy, Mary, Corenia and Sallie Culwell or Caldwell, as citizens of the Choctaw Nation.

In reply to your letter you are informed that it does not appear from the records of the Choctaw-Chickasaw enrollment division that any persons by the name of Nancy, Mary, Corenia and Sallie Culwell or Caldwell have ever been recognized or enrolled by the tribal authorities of the Choctaw or Chickasaw Nations as citizens or freedmen of either of said nations, or that any application has ever been made for their enrollment as citizens of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Muldrow I.T.
Sept-13-1905-

Hon Commission of five Tribes

Dear Sir You will find in
the enclosed few lines, I see a
List of Cherokee names in the
Cherokee Advocate whom the
Comm't be accounted who has not
been accounted for now I Claim
to Represent a few Persons whose
Names do not appear in the List
from Sequoyah Dist-

Colored

Nancy Caldwell / Sallie Tucker
Wm " " / Alice Lincs
Corina " " / a Cant-Choctaw

and Living in Choctaw Nation
Cynthia Chukulate (Col) Dead
James D Jackson. adopted child Living
Betsie Foreman Dead

not Positive think though this
Richmond Childers (Col) Dead

Illinois District
James A Hankins F.C.I. Dead
Esther Gunter (Col) Dead
Sarah Ann aged 30. I think is
a Daughter of Nancy Caldwell
Nancy Caldwell & the above
Name Children are Living in
Sugar Creek Dist- Post Office
is Brent- All all (Col)

43742

Clinton Scales (col)
non citizen

Cora B Jones Child
of Ida Jones Deceased
Cared by Birdie Bell
Mayfield Pima County

3

INDEXED

13 43

Gunter, J.E.,
Muldrow, I.T.,
Cherokee Nation,
Sep. 13, 1905.

Gives information relative to certain persons whose names appear upon printed list of "Lost Cherokees."

SEP 14 1905

Cher. Fr. R. 1231

Trans. from Cher. Fr. D. 1308

Cher. Fr. R. 1231

POOR ORIGINAL -
BEST AVAILABLE COPY

R
Dec F D 1308

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., June 30, 1903.

In the matter of the application of [illegible] FOLLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

MARY STAND, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Mary Stand.
Q What is your age? A Sixty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1898 Cherokee roll, their families and descendants:

Johnie Dotson #39 Sequoyah District;
Nora Dotson #40 Sequoyah District.

Q Are there other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Boyd, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Boyd.

Subscribed and sworn to before me this December 1, 1903.

[illegible]
Notary Public.

[redacted] Freedman D-1288.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Johnie Johnson as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Johnie Dotson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Johnie Dotson is identified on the Cherokee [redacted] roll of 1896 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1890, not theretofore accounted for. Since these applications were made the Commissioner and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, and every member of which, upon request, gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling [redacted] and the Cherokee Nation seeking information [redacted] Agent of the Cherokee Land Office opened at [redacted] and officers stationed at Tahlequah [redacted] information has been [redacted] applications [redacted] at [redacted]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Johnie Dotson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Johnie Dotson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedman D-1308.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nora Dotson as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Nora Dotson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Nora Dotson is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 25, 1902, and if so whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to shew the status of Nora Dotson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Nora Dotson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1232

Trans. from Cher. Fr. D. 1309

Cher. Fr. R. 1232

POOR ORIGINAL -
BEST AVAILABLE COPY

F D 1309

Testimony of the Intervenor
before the Five Civilized Tribes,
Muskogee, I.T. June 30, 1902.

In the matter of the application of [illegible] et al., for enrollment as citizens of the Cherokee Nation

[illegible] being duly sworn and examined by the Commission, testified as follows:

Q. What is your name? A. [illegible]
Q. What is your age? A. [illegible] years.
Q. What is your post office address? A. Gilbertown, I.T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. Yes sir, I am.
Q. For whom do you desire to make application for enrollment?
A. For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mattie Foreman #42 Sequoyah District.

Q. Are there any other persons for whom you desire to make application for enrollment?
A. I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

T. B. Jones
Notary Public.

Cherokee Freedman D-1209.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mattie Foreman as a citizen of the Cherokee Nation.

---:---:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Foreman as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Foreman is identified on the Cherokee [redacted] roll of 1896 as a [redacted] Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, the Cherokee Land Office opened on January 1, 1903, at Vinita, and after that removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the Chief Clerk of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to obtain evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship upon that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Mattie Foreman on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mattie Foreman as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1233

Trans. from Cher. Fr. D. 1310

Cher. Fr. R. 1233

R
Cher F D 1310

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ELLET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ellet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mary M. Johnson #85 Sequoyah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B O Jones
Notary Public.

Cherokee Freedmen 3-1710.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mary M. Johnson as a citizen of the Cherokee Nation.

--:--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mary M. Johnson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mary M. Johnson is identified on the Cherokee Census roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has traveled the Cherokee Nation seeking information as to these persons, and the Cherokee Land Office opened on January 6, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications the General Office of the Commission and the [illegible] Office at Muskogee, Indian Territory, have used all practicable means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Mary M. Johnson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary M. Johnson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1234

Trans. from Cher. Fr. D. 1311

Cher. Fr. R. 1234

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 3rd, 1901.

In the matter of the application of David Alberty for enrollment for himself and four children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A David Alberty.
Q What is your age? A About 56.
Q What is your post office address? A Fort Gibson.
Q What district do you live in? A Tahlequah.
Q Do you make application to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever made application to be enrolled as a Freedman of any other Nation or tribe? A No sir.
Q How do you desire to have enrolled besides yourself? A My children.
Q Dont you apply for your wife? A No sir.
Q How many children have you? A Four.
Q What are the names of your children? A Carrie.
Q How old? A 16.
Q Next? A Emeline.
Q How old? A 12.
Q Next? A Malinda.
Q How old? A 9.
Q Next child? A Mary.
Q How old? A 8.
Q Where were you born? A In Flint district.
Q Where were you during the time of the war? A In Sequoyah district
Q Did you go out of the Territory during the war? A Yes sir.
Q When did you return? A Inside of six months after the treaty.
Q Are you married? A Yes sir.
Q Is your present wife the mother of these children? A Yes sir.
Q What is her name? A Lucy.
Q Is she a Cherokee Freedman? A Not been recognized.
Q What was her name before you married her? A Davis.
Q When were you married to her? A I dont remember.
Q Have you any proof of marriage? A Yes sir.
Q Any marriage certificate? A No sir.
Q Is there any one here who knows that you were married to her? A Yes sir--Sister Butler and Sister Wilson over there knows.

SARAH VANN being called and sworn as a witness, testified as follows:

Q What is your name? A Sarah Vann.
Q What is your age? A 57.
Q What is your post office address? A Fort Gibson.
Q Do you know David Alberty? A Yes sir.
Q Do you know his wife? A Yes sir.
Q Do you know whether they were ever married or not? A Heard they was.
Q How long have they been living together as man and wife? A Cant tell zactly good many years deugh.
Q Did you know them before their oldest child was born? A No sir.
Q Did they have a child when you first knew them? A No sir, when I first knowed them she hadnt been living with him then yet.
Q Did they have a child when you first knew of them living together? ANo sir. I knowed them both fore they was living together.
Q How long after your first knowed them before they commenced living together? A I dont know.
Q How many children have they now? A Four or five.
Q Have they been recognised by the neighbors as man and wife? A I guess so, I dont live near them.

CLARK GRIMMET called and sworn as a witness, testified as follows:

Q What is your name? A Clark Grimmet.
Q What is your post office address? A Fort Gibson.
Q Do you know David Alberty? A Yes sir.
Q How long have you known him? A Ever since before the war.
Q Do you know his wife? A Yes sir.
Q Do you know when they were married? A Yes sir.
Q Did you see them married? A No sir.
Q MHow do you know they were married? A Been living together.
Q How long have they been living together to your knowledge? A I cant remember.
Q Do you know their oldest child? A Yes sir.
Q Were they living together before she was born? A Yes sir.
Q Generally considered as man and wife are they? A Yes sir.
Q Do you believe they were married? A Yes sir.
Q Have you any reason to believe that they were not married? A No sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the name of applicant identified thereon as follows; page 732, No. 28, David Alberty, Tahlequah district.

~~The 1896 census roll of citizens of the Cherokee~~ Nation examined and the name of applicants identified thereon as follows; page 1301, #1, David Alberty, Tahlequah district; page 1301, #4, Carrie Alberty, Tahlequah district page 1301, #5, Emeline Alberty, Tahlequah district; page 1301,#6, Malinda Alberty, Tahlequah district; page 1301 #7, Mary Alberty, Tahlequah district.

Q Are these children all living at this time? A Yes sir.
Q You have always lived in the Cherokee Nation? A Yes sir.
Q Were these children all born here? A Yes sir.

By Com'r Needles,-

The name of David Alberty is found on the authenticated roll of 1880 and the census roll of 1896. The names of his children, Carrie, Emeline, Malinda and Mary Alberty are found on the census roll of 1896; they are all duly identified according to the page and number of the rolls as indicated in the testimony, and make satisfactory proof as to residence. Applicant avers that he was married to one Lucy Davis, who is a non-citizen; he fails to present documentary evidence of his marriage, but makes satisfactory verbal proof of same, consequently the said David Alberty and his children as herein enumerated will be listed for enrollment as Cherokee Freedmen.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 4th day of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles
Commissioner.

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I.T., April 24th, 1901

In the matter of the application of Josh Starr for enrollment as a Cherokee freedman; he being sworn by Commissioner Needles testified as follows:

Q What is your name? A Josh Starr
Q How old are you? A 48.
Q What is your post office address? A Fort Gibson
Q What district do you live in? A Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir
Q Have you ever applied to be enrolled as a freedman of any other Nation? A No sir.
Q Have you ever been recognized by the Cherokee Tribal authorities as a freedman? A Well about half way
Q Is your names on the rolls of the Cherokee Nation? A Only the Wallace roll.
Q Who do you want to have enrolled besides yourself? A Just myself
Q You say your name is not on any of the rolls except the Wallace roll? A That is all.
Q Did you draw strip money? A No sir.
Q What is your father's name? A Phill Mayes
Q Is he living? A No sir.
Q What is your mother's name? A Barbara E. Starr
Q Is she living? A Yes sir
Q Is she recognized as a Cherokee Freedman? A Yes sir
Q Where were you born? A In Flint district
Q Wereyou born a slave? A Yes sir.
Q Who was your owner? A Cale Starr
Q Is he living? A No sir
Q Where were you at the beginning of the war between the United States and the Confederacy? A In Flint District
Q Where were you at the close of the war? A In the Choctaw Nation
Q Had you been taken out during the war? A Yes sir
Q How long did you stay there? A About three years
Q When did you return to the Cherokee Nation? A In the fall of '66
Q Have you been living here ever since? A Yes sir
Q What is your name not on the roll of 1880? A The reason that my name is not there is this: I had it put there, Judge Hicks took my name and when they were going to enroll it Eff Adair he said that we had been sold during the war and we hadn't been sold at all, and they taken my name off the roll again.
Q The reason that they would not enroll you then was because they had information that you had been sold to a non-citizen owner during the war? A Yes sir, that is it.
Q Had you been sold? A No sir never was sold.
Q And you say that you came back here in '66? A Yes sir.
Q Never have been outside at all? A Oh yes sir I was in Fort Smith some, on time I was there at court and staid there four weeks.
Q Were you there as a defendant? A No sir as a witness.

By James Davenport, Cherokee representative:
Q You say your family belonged to Cale Starr? A I did, my mother belonged to Zeek Starr
Q Who came back with you to the Cherokee Nation when you came after the war? A Charles Starr
Q Who else came with you?--Where was Hickory Starr? A In Flint.
Q He knew you before the war didn't he? A Yes sir
Q He would know when you came wouldn't he? A I don't know
Q Where did you come to in the Cherokee Nation after the war?
A To Flint.

JEFF RUSSELL, sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Jeff Russell
Q How old are you? A 76
Q What is your post office address? A Melvin
Q In what district do you live? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A No sir
Q You dont claim citizenship? A Only by marriage
Q Do you know Josh Starr? A Yes sir.
Q How long have you known him? A Ever since the winter of '66
Q Where did you see him? A Near Evansville in Flint district, and then in 1867 I staid all night with him
Q Have you known him ever since? A Yes sir
Q Do you know if he was a slave? A I think he was

By the Cherokee Nation's attorney.

Q Hadn't known him before the war had you? A No sir, I knew his mother
Q His mother was a slave of Cale Starr's? A Yessir.
Q And the all went south during the war? A Yes sir/
Q Do you know with whom they came back after the war? A I think one of the Starr's came back with them, think it was Charles Starr.
Q Is he the Charles Starr that lived on Sallisaw? A I don't know but he is the one that High Sheriff at Tahlequah
Q He is the one that lived on Sallisaw and then afterwards became High Sheriff at Tahlequah? A Yes sir.
Q You heard they came back with him? A Yes sir
Q Not positive are you as to what time they cameback in '66?
A No sir, it was in the winter.
Q It was in the winter of '66 was it? XX What time in the winter?
A A while before Christmas
Q And you say you saw them near Evansville the first time?
A Yes sir.
Q Was Charles Starr there then? A I don't know I didn't see all the crowd.
Q Where have they been living ever since that time? A Part of the time they lived right this side of where I first got acquainted with him.
Q The Cale Starr that you understand was his owner was a near relative of Hickory and Keek Starr was he not? A Yes sir.

By the Cherokee Nation's atty. of the applicant.

Q Didn't you and your mother make a crop on the Kiamitia in the Choctaw Nation--your mother was Aunt Barbara wasn't she? A Yes sir that was my mother
Q Well didn't you and she make a crop down there after the war closed? A Yes sir we did.
Q Do you remember what year it was? A '66.

CLARK GRIMMET, sworn by Com'r Needles as a witness testified as follows:

Q What is your name? A Clark Grimmet
Q How old areyou? A 48.
Q What is your post office address? A Fort Gibson.
Q Are you a Cherokee freedman? A Yes sir.
Q Recognized as such by the Cherokee Nation? A Yes sir
Q Do you know Josh Starr? A Yes sir.
Q Do you know where he was in 1866? A No sir, I dont know where he was in 1866.

Q Did you know him before the war? A I knew him time of the war
Q When did you first see him after the war? A Seen him at Tahlequah the first time that I seen him after the war.
Q When was that? A In June of 1867.
Q Was that the first time that you saw him after the war? A Yes sir.
Q Do you know if he was taken out during the war? A I don,t know

The Wallace Roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 125, No. 2632, Josh Mayes, Tahlequah district.

By Com'r Needles,-

Josh Starr applies for the enrollment of himself as a Cherokeefreedman his name is not found on any of the rolls of the Cherokee Nation in the possession of the Commission except the Wallace Roll. By reason of the fact this his name is not on any of the other rolls in the possession of the Commission, and from the unsatisfactory testimony as to his citizenship, although he makes satisfactory proof as to residence, the said Josh Starr will be listed for enrollment as a Cherokee Freedman on what is known as a doubtful card for the further consideration of the Commission.

The 1880, 1896, Kerns-Clifton rolls of the Cherokee Nation examined and the names of the applicant not found thereon.

Chas. von Weise sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 25th of April, 1901; at Fort Gibson, I. T.

(Signed) T. B. Needles.

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

(Signed) Finis M. Nicholas.

Subscribed and sworn to before me this December 8, 1902.

(Signed) B. C. Jones
Notary Public.

(SEAL)

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that same is a full true and correct copy of the record now on file with this office.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 25th day of January, 1906.

(Signed) Chas. E. Webster
Notary Public.

(SEAL)

SUPPLEMENTAL TESTIMONY

F.D. #163

F.D. #164

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I.T. April 30th, 1901.

Cherokee Nation present by its Attorney, Applicant Josh Starr present in person, and proof of notice to Barbara E. Starr as to the taking of testimony filed.

G. W. BUFFINGTON, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. G. . Buffington
Q What is your age, Mr. Buffington? A. I am 51
Q What is your post office address? A. Tahlequah.
Q Are you a recognized citizen of the Chero ee Nation. A. Yes sir

BY J. S. DAVENPORT, Cherokee Representative.

Q Where were you living at the breaking out of the war, Mr. Buffington? A. I was living on Sallisaw, near the Sallisaw Station.
Q Do you know a colored woman that is known as Barbara Starr?
A Yes sir
Q Do you know where she went during the war, or whether she left the Cherokee nation or not? A. She went to Red River with my mother
Q Doyou know when she came back to the Cherokee Nation?
A Came back in the Fall of '67, October or November though I guess.
Q She was a slave before the war? A. Yes,sir.
Q And she went south with your grand mother? A. Yes sir.

BY COMMISSIONER NEEDLES:

Q Whom did she belong to? A. My grandmother Starr
Q You are satisfied that she didn't return until the Fall of '67?
A. Yes sir.
Q Has she been living here ever sin e? A. Yes,sir

BY J. S. DAVENPORT:
Q You know who brought her back? A. Yes sir, Charley Starr brought her back.

JAMES STARR, being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A. James Starr
Q What is your post office address? A. Grove
Q What district do you live in? A. Delaware
Q What is your age, Mr. Starr? A. I am 68 years old
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A. Yes sir.

BY J. . . DAVENPORT:

Q Where did you live at the breaking out of the Civil War?
A I lived in Flint District
Q Do you know Barbara Starr, a colored woman? A. Yes sir.
Q She was a slave of whom? A. My mother
Q Do you know whether or not she left the Cherokee Nation during the war? A. She went south with us.
Q Now, when did she come back, do you know, Mr. Starr? A. Fall of '67
Q Did you know who brought her back? A Charley Starr brought her back
Q When did you return to the Cherokee Nation? A. '66
Q Is there any circumstances with reference to her coming back makes you remember when it was? A. We left there and come back to the Nation and then we sent after her
Q She come back in the Fall of '67? A. Yes sir

BY COMMISSIONER NEEDLES:

Q Is Charley Starr living? A. Yes sir.
Q You are positive that Barbara Starr did not come back to the Cherokee Nation until the Fall of '67? A. Yes, sir.
Q How old was she? A. She is a good deal older than I am, she must be up about 80
Q She was of age and grown woman she she come back?
A Yes sir, and had children.

G. W. BUFFINGTON, re-called, testified as follows:

Examination by Josh Starr one of the applicants in this case:

Q What I wanted to ask you, did them Fisher boys run a horse race there in 1867? A. No, they run in 1868
Q That is the time Zeke Starr claims he got here, in 1868, and I was here a little over a year before he come? A. Yes, you were here a year before the Fisher boys run the race; they run the race in the Summer of 1868 and this party come in the Winter of '67.
Q What year was it when your uncle Cale come there? A. Come in 1868.
Q He come in the Spring and I come in the Fall? A. No, he come in the winter and you come in the Fall; the winter of '66 and we all come across from the Choctaw Nation over there and raised a crop on Grand River and you were out on Red River then; the first crop we made in the Choctaw Nation in 1866 on the Choctaw side, and then in the Fall of '66, or winter rather, moved into the Cherokee Nation and in 1867 made a crop there and in the Fall after the crop was made I went out south there and brought Aunt Barbara back, and the next year is when the horse race was made.
Q Your uncle Cale, what year was it he left over there in?
A I reckon in; he left in Christmas; it was before 1865 we left there in; I mean it was in the winter of '65 or Spring of '66? I think though it was in '65 before Christmas? I was in Texas, Rush County, until October or November I guess, '65 and come back; I never seen any of the folks until we moved back to Sandhoy. They moved up there about Christmas time, it was in '65.
Q He moved away from you and you promised to come in the Spring and me and my brother come in the Summer time and Charley Starr was going to school over in Texas and he settled all the board bill and we come on here and helped pull corn and he always stated to me that was in the fall of '66?

A The crop you helped gather was up there in Flint. The crop he raised in '66 was raised at Samboy in the Choctaw Nation and we sold that crop and didn't gather it and moved across the River and raised a crop there and that is the crop you helped to gather in '66. I remember Charley Starr went to School over there in Texas after Cale left there and come back in the winter, that was was '66 when he come back; he never come back until about February , '67. He stayed over there a year after uncle Cale left there.

Q Do you know when Smith come back? A. No, I don't.

Q He come back and we got here before he did and he claims he come in in time and there is old man Gott we come before he did and he claims he come in the Fall of '66; he brought some colored folks with him and there never was any disputes about them and they was put on the rolls and they drawed the first time that was paid out. A. I don't know anything about them.

COMMISSIONER NEEDLES to JOSH STARR:

Q Did you come back with your mother? A. Yes sir

Q Did you come before your mother? A. I come here and got the team and went back after them

Q How long before you come back here and the time before you moved up? A. We come here and stayed three weeks and went back and he told us to hurry with the team he wanted to pull his corn

---

G.W. BUFFINGTON, re-called, testified as follows:

BY COMMISSIONER NEEDLES:

Q Was Tobe (Starr) in the Choctaw Nation in 1866? A. Yes sir

Q But he didn't come into the Cherokee Nation until 1867?

A No sir.

Q He come tothe Cherokee Nation from the Choctaw Nation in 1867?

A Yes,sir.

Q And come there in 1866? A. Yes sir.

JAMES STARR, re-called, testified as follows:

BY JOSH STARR, on of the applicants:

Q When my brother rid that horse of yourn and went back over in the Choctaw Nation and broke that horse of yourn, wasn't that in the fall of '66; do you recollect that sorrel horse and he left a saddle over there and went back after it and after Christmas I made a crop there? A. I don't know anything about that.

BY COMMISSIONER NEEDLES:

Q Where was Josh in 1866? A. In the Choctaw Nation

Q Your recollection then is that he didn't come here to the Cherokee Nation until the Fall of 1867? A. Yes sir.

Q Did Josh come with his mother? A. Yes sir, come to me house and stayed all night.

Q That is as they were coming back? A. Yes,sir.

BY J. S. DAVENPORT:

Q Do you know anything about Tobe Starr? A. Yes sir, he belonged to me; he was of the same mother, he left me in '68 at Fort Smith and I never saw that fellow until day before yesterday.

BY COMMISSIONER NEEDLES:

Q You don't know when he come back to the Cherokee nation?
A No sir, he went ahead and told me a whole heap of things that makes me believe it is the same man.

BY J. S. DAVENPORT
Q Did his mother belong to you? A. Yes sir, his mother belonged to my mother and he was mine individually.
Q Do you know whether he left the Cherokee Nation during the war?
A Yes sir, his mother went North.
Q And you never heard of him until day before yesterday? A. No sir

---------:O:----------.

J.O. Rosson , being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes , he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 30th day of April, 1901,

(Signed) C. . Breckinridge
Commissioner

---------:O:----------

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

(Signed) FINIS M. NICHOLAS

Subscribed and sworn to before me this December 8, 1902
(S E A L) (Signed) B. C. JONES
Notary Public

----------:O:----------

Lucy M. Bowman being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the record now on file with this office.

Lucy M Bowman

Subscribed and sworn to before me this January 25, 1906.

Chas E Webster
Notary Public

To be filed with Cher. Freed. D 1127

F.D. 163

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Josh Starr for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D 163

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation makes satisfactory proof of service on the said Josh Starr that it would on the 23rd day of May, 1902, introduce testimony tending to disprove his right to be enrolled as a Cherokee Freedman. The applicant has this day, to-wit the 23rd day of May, 1902, been called and fails to respond either in person or by attorney.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of date 1871, as shown from a book taken from the records of the Executive Department entitled "Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," and from Flint District as follows:

"No. 153, Josh Starr.
Decided against claimant June 16, 1871."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 7th day of July, 1902

(Signed) P. G. Reuter
Notary Public

Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

(Signed) FINIS M. NICHOLAS

To be filed with Cher. Freed. D 1127

F. D.-163-----2 .

Subscribed and sworn to before me this December 8, 1902.

(S E A L) (Signed) B. C. JONES

--------- - -----

Lucy M. Bowman being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the record now on file with this office.

Lucy M. Bowman

Subscribed and sworn to before me this January 25, 1906

Chas. E. Webster
Notary Public.

Cherokee Freedmen D 1127

Department of the Interior
Commission to the Five Civilized Tribes,

Muskogee, I.T., July 26, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Reuben Starr as a Cherokee freedman.

It appears that on July 7, 1904, the applicant and the attorney for the Cherokee Nation were each notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 26, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its representative, L. B. Bell.

REUBEN STARR, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A. Reuben Starr.
Q How old are you? A. 23
Q What is your postoffice address? A. Fort Gibson
Q You have applied to the Commission for enrollment as a Cherokee freedman? A. Yes, sir.
Q What is the name of your mother? A. She always went by the name of Lucy Davis.
Q Sometimes Lucy Alberty? A. Yes sir.
Q She belonged to Watt Davis, I believe you stated in your ori ginal testimony? A. Yes, sir
Q That is just your information; you are not old enough to know anything about it, about who she belonged to? A. Yes sir.
Q Is your mother living? A. Yes sir.
Q Has she applied to the Commission for enrollment? A. No sir, she never has been before them.
Q Where does she live? A. Over here the other side of Fort Gibson.
Q What name does she go by now? A. Lucy Alberty.
Q Why has she never made application? A. I don't know; the old man has always been claiming that he has been enrolling her.
Q What is her husband's name? A. Dave Alberty
Q Does your mother's name appear upon any of the Cherokee rolls?
A I think it is on the Wallace roll.
Q Did she ever draw any money from the Cherokee tribal authorities?
A I don't know; I always stayed with my father.
Q You always lived with your father? A. Yes, sir.
Q You think your mother's name is on the Wallace roll? A. Yes sir.
Q Under what name would she appear on that roll? A. I don't know, sir, unless it was Lucy Alberty
Q Do you know what district she lived in at that time? A. In Tahlequah.
Q Has your mother always lived in Tahlequah district since you can remember? A. She used to live in Goingsnake.
Q How long ago? A. 10 years ago
Q When did she first move to Tah equah district? A. I was small; I don't know exactly what year it was.
Q She has been living there ever since? A. Yes sir.

(No cross-examination).

BART THOMPSON, being first duly sworn , testified as follows:

By the Commission:

Q What is your name? A Bart Thompson.
Q How old are you? A. About 60
Q What is your postoffice address? A. Fort Gibson.
Q You are a Cherokee freedman? A. Yes sir
Q Do you know the applicant in this case, Reuben Alberty?
A Yes sir, I know him.
Q Do you know his parents? A. I know his mother
Q What is her name? A. Lucy.
Q Lucy what? A. Lucy Davis is what I call her
Q Is she living now? A. Yes sir.
Q Is she a Cherokee freedman? A. I couldn't tell you that.
Q When did you first get acquainted with her? A. When I first got acquainted with her, it was time we had that little battle up here-----
Q How long ago? A. When the war was going on.
Q Where was she then? A. She was with Cynthia Davis and Kinney Davis, they had her.
Q In the Cherokee Nation? A. Yes,sir.
Q Do you know whether she went out of the Cherokee Nation during the war? A. No sir, I don't.
Q When did you first see her in that Nation after the war?
A Along about '66, somewheres along about time of the cholera, I seed her; they had been living in Flint a good while before I saw them.
Q How do you know? A. I know the man that was living with her then
Q You just heard they lived in Flint? A. Yes,sir, I never saw them
Q You first saw her after the war about the time of the cholera?
A Yes sir.
Q When was the cholera? A. '67
Q What time of the year did you see her? A. Along about he middle
Q Summer of 1867? A. Yes,sir.
Q What kind of weather was it? A. Hot.
Q She was living in the Cherokee Nation? A. Yes sir.
Q You don't know whether she was a Cherokee freedman or not? A. I couldn't swear it; she was brought under the Cherokee jurisdiction is all I can tell you about that.
Q Do you know whether she has always lived in the Cherokee Nation since that time? A. Yes sir, she has
Q What district is she living in? A. In Tahlequah.
Q Has she always lived in Tahlequah? A. No,sir, in Flint a long time .
Q When did she first move to Tahlequah district? A. I couldn't date up that; I wouldn't try, because I couldn't tell you.
Q Do you know whether her name appears upon any of the Cherokee tribal rolls? A. No sir, I don't
Q What district would she have been living in in 1880 when that roll was made? A In Flint, I guess, I think it was; I aint going to be positive.
Q Has she always gone by the name of Alberty since you knew her?
A After she married Alberty she did.
Q How long has she been married to Alberty? A. About 30 years I reckon.

Commission: The rolls of the Cherokee Nation in possession of the Commission have been examined for the name of Lucy Alberty and her name cannot be identified thereon.

Q Do you know whether she ever lived in Cooweescoowee district?
A No,sir, I don't know whether she ever lived there or not; I couldn't tell you.
Q Did she ever have anychildren besides this applicant here?
A Yes sir.
Q W.a.

Q What are the names of the other children? A. I don't beliefe I can call them gal's names; they have got three or four girls grown; married; I don't think I can call their names.

BY MR. BELL:
Q Were you a slave ofma free colored person? A. I was a slave
Q Who did you belong to ? A. Jim Allen Thompson
Q Where did you live at? A. Beatty Prairie
Q That was up on the Arkansas line? A. Up close to Mayesville.
Q When did that battle occur that you referred to awhile ago?
A That was the Cabin Creek fight; I think it was, if I aint mistaken
Q Did you go south or north during the war? A. Went south and come back again.
Q When did you go south? A. I went south when the war was going on You all didn't go when I went.
Q When did you go? A. That is a question with me; I can't date it; I was too young to date it up, any such things as that.
Q Didn't you go to the battle of Oak Hill with Mr. Thompson?
A I went with Joe
Q To the battle of Oak Hill? A. Yes,sir
Q You were old enough to recollect that? A. Yes,sir, I recollect all the battles, but can't tell the times.
Q How long after the battle of Oak Hill till you went south?
A I don't know.
Q Do you recollect anything about the fight of old Mr. Payne?
A Yes sir, that little squabble that we had there across from Spavinaw, I recolledt that all right, too.
Q Did you go south before or after that fight? A. I think I went after that fight.
Q How long after? A. I don,t know; couldn:t tell.
Q When did the old man go after that fight? A. I couldn't tell you that; I couldn't do anything like that unless I could trace histo ry.
Q Did Mr. Thompson's folks live there at the old place after that fight? A . I think some of them were there, but I wasn't
Q Where were you? A. I wasn't there; I was out with Joe and them; all them battles, I knowed them and fit, but I couldn't tell you the date.
Q You were old enough to go in the army and take care of Joe?
A I was just a waiting boy
Q Wasn't you 16 or 17 years old? A. I couldn't tell you that
Q You tell your age here? A. I may be just guessing at it.
Q You have had it now about 60 for about three years?A Joe said I wasn't that old, but I said I was 60
Q I want to know when you went south? A. I couldn't tell you
Q How long did you stay with Joe in the army? A. About a year and a half
Q You went out with him when he started to Oak Hill? A. Yes sir
Q And you stayed with him about a year and a half? A. I reckon, I wouldn't swear I was with him that long. I was at the cross-hollers too.
Q After that you went south to the old man Thompson's? A. Yes sir, we went and come again.
Q But when you last quit the service, when you quit Joe? A. Yes sir
Q Joe, you mean Joseph F. Thompson, Major of that regiment? A. I don't know what he was; he was a------.
Q He was an officer in the Cherokee regiment? A. Yes sir
Q And he was your young master? A. Yes sir
Q You can't recollect what year it was that you went down to Arkansas with James Allen Thompson , your master? A. Couldn't tell you
Q You think it was at the Cabin Creek fight you first met this woman, you said you saw her about that time? A. Somewheres along there.

Q Where did you see her? A. I told you she was with Cynthia Davis
Q Where did you see her? A. Up in Flint, we went over there
Q Was it the first Cabin Creek fight or the second onw? A. I don't know whether it was the first or second one, couldn't keep no such time as that.
Q Whereabouts was that fight? A. Been winding around here so long, couldn't tell you, unless I could go over the ground.
Q You don't know where it was? A. It was at Cabin Creek
Q You were there? A. Yes sir.
Q Who was in command of the Southern soldiers? A. We had so many---Coffey and old general------Col. Watie was one, and Cooper, I believe, if I aint mistaken.
Q At the battle you were at which side whipped? A. At the battle we were at, we had to get away is all I can tell you; I know that we was running.
Q Tell me whereabouts in Flint Kinney Davis was living when you saw this woman there? A. Kinney Davis was living right on a little rise, far as I know, when I seed this girl, if this is the girl, they say it is.
Q You are not for certain that this is the woman? A. She says she is the girl; I couldn't swear it; if she is the girl this is the one I seed.

By the Commission:
Q Has this woman lived in Cooweescoowee district in the last 10 or 12 years? A. Couldn't tell that.

Reuben Starr, being re-called, testified as follows:
By the Commission:
Q Has your mother lived in Cooweescoowee district in the last 10 or 12 years? A. I don't know that she ever lived there. I have heard her say.
Q Why didn't you brin your mother along to-day to testify in your case? A. She was sick; she couldn't come.
Q Your father and mother are not living together now? A. No sir
Q Are they divorced? A. Yes, sir
Q Who do you say is your mother's husband now? A. Dave Alberty
Q Ish he a Cherokee freedman? A. Yes sir
Q Has he applied for enrollment? A. Yes sir, He is on the rolls I think
Q Are he and your mother living together now? A. Yes sir
Q What are the names of his children? A. Carrie, Emma, Linda and Mary Alberty
Q How long has your mother been married to David Alberty? A. As near as I can get at it, right at 18 years.

COMMISSION: In the matter of the application of David Alberty for the enrollment of himself and children, Carrie, Emaline, Malinda and Mary, as Cherokee freedmen, the applicant, in answer to the question, "Don't you apply for your wife? answered, "No, sir," and in answer to the question, "Is your present wife the mother of these children?" answered , "Yes, sir;" "What is her name?" answered, "Lucy" "Is she a Cherokee freedmen?" answered "Not been recognized;""What was her name before you married her?" answer "Davis".

By Mr. Bell: I want the testimony of Bart Thompson, taken in the case of Joe Alberty on this day , to be filed with and made a part of the record in this case.

COMMISSION: The request of the Cherokee Nation's attorney will be complied with and copies of the testimony referred to will be filed with this case.

By the Commission: (of applicant)

Q Is that all the witnesses you have to introduce in this case?
A Yes sir.
Q You are willing to close your case, are you? A. Yes sir.

Commission: The applicant and the attorney for the Cherokee Nation state that they have no further testimony to offer in this case, and the same is now declared closed.

H. M. Vance , being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(S I G N ED) H. M. VANCE

Subscribed and sworn to before me this the 22nd day of August, 1904.

(Signed) Wm. G. MARTIN JR
Notary Public

(S E A L)

Lucy M. Bowman being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 27 day of January, 1906

B P Ramsey
Notary Public.

(C O P Y) C.F.B.

Cherokee Freedmen D 1127

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Reuben Starr for enrollment as a Cherokee Freedman.

--:--

D E C I S I O N.

The record in this case shows that Reuben Starr appeared before the Commission at Muskogee, Indian Territory, June 28, 1902, and made application for the enrollment of himself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, July 26, 1904. A copy of the testimony taken at Fort Gibson, Indian Territory, April 24, 1901, and April 30, 1901, in Cherokee Freedmen D 163, and Cherokee Freedmen D 164, and a copy of the testimony of Bart Thompson, taken at Muskogee, Indian Territory, July 26, 1904, in Cherokee Freedmen R 340, is filed herewith and made a part of the record in this case.

The evidence in this case shows that Reuben Starr is the son of Josh Starr and one Lucy Alberty, and was born in the Cherokee Nation since 1866. This Commission, in the case of Josh Starr, Cherokee Freedmen R 217, found, on July 1, 1903, that the said Josh Starr was not entitled to enrollment, for the reason that during the Rebellion he left the Cherokee Nation and did not return thereto in compliance with the provisions of article nine of the treaty of 1866. The evidence herein fails to show that Lucy Alberty was either the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation, at the commencement of the Rebellion.

Neither the applicant herein nor his parents, through whom he claims, can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application of Reuben Starr for enrollment as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) TAMS BIXBY
Chairman

T. B. NEEDLES
Commissioner

Muskogee, Indian Territory

this JAN 16 1905

C. R. BRECKINRIDGE
Commissioner

Cherokee Freedmen D 1311

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucy Alberty as a Cherokee Freedman.

O R D E R

It is ordered that copies of the testimony taken at different times and places in re applications of David Alberty, et al., Cherokee freedmen 58, Josh Starr (Cherokee freedmen D 163) Cherokee freedmen R 217, and Reuben Starr, Cherokee freedmen D 1127, for enrollment as Cherokee freedmen, be filed with and made a part of the record in the matter of the application for the enrollment as a Cherokee freedman of Lucy Alberty, Cherokee freedman D 1311.

Signed Wm O Beall
Acting Commissioner

Dated at Muskogee, Indian Territory,
this JAN 27 1906

COPY.

Cherokee
F D-1311.

Muskogee, Indian Territory, September 20, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that R. R. Cravens, attorney for Lucy Alberty, for whom application was made for enrollment as a Cherokee freedman on June 30, 1902, has been advised that he would be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 5, 1905, and introduce such testimony as he desires as to the right to the enrollment of said Lucy Alberty. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

(SIGNED)

Acting Commissioner.

GHL

Cherokee Freedmen COPY. CC.

D-1311.

Muskogee, Indian Territory, October 9, 1905.

E. R. Cravens,
Attorney for Lucy Alberty,
Muskogee, Indian Territory.

Dear Sir:

You and your client, Lucy Alberty, were verbally informed that you would be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 5, 1905, for the purpose of introducing any testimony desired in connection with the application for the enrollment of your said client as a Cherokee freedman. You failed to appear on that date, and you are now advised that in order to properly determine her right to enrollment as a Cherokee freedman it will be necessary that further testimony be introduced as to whether or not she was a slave of a Cherokee citizen at the commencement of the war of the rebellion, or a free colored person residing in the Cherokee Nation at the commencement of said war, and as to her residence in the Cherokee Nation since that time.

Said Lucy Alberty has, therefore, this day been directed to appear before the offices of the Commissioner to the

Five Civilized Tribes at nine o'clock A. M., on Thursday, October 26, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

Tams Bixby

LS

Commissioner.

Cherokee Freedmen

COPY.

D-1311.

Muskogee, Indian Territory, October 9, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Lucy Alberty for enrollment as a Cherokee freedman, you are advised that in order to properly determine her right to enrollment as a Cherokee freedman it will be necessary that further testimony be introduced as to whether or not she was a slave of a Cherokee citizen at the commencement of the war of the rebellion, or a free colored person residing in the Cherokee Nation at the commencement of said war, and as to her residence in the Cherokee Nation since that time.

Said Lucy Alberty has, therefore, this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 26, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

SIGNED.

Tams Bixby

Commissioner.

Ls

COPY.

Cherokee Freedmen

D-1311.

Muskogee, Indian Territory, October 9, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Lucy Alberty for enrollment as a Cherokee freedman, you are advised that in order to properly determine her right to enrollment as a Cherokee freedman it will be necessary that further testimony be introduced as to whether or not she was a slave of a Cherokee citizen at the commencement of the war of the rebellion, or a free colored person residing in the Cherokee Nation at the commencement of said war, and as to her residence in the Cherokee Nation since that time.

Said Lucy Alberty has, therefore, this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 26, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

Tams Bixby

Commissioner.

LS

(COPY)

Cherokee Freedmen

D-1311.

Muskogee, Indian Territory, October 9, 1905.

Lucy Alberty,

Care of David Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

You and your attorney, R. R. Cravens, Muskogee, Indian Territory, were verbally informed that you would be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 5, 1905, for the purpose of introducing any testimony desired in connection with the application made for your enrollment as a Cherokee freedman. You failed to appear on that date, and you are now advised that in order to properly determine your right to enrollment as a Cherokee freedman it will be necessary that further testimony be introduced as to whether or not you were a slave of a Cherokee citizen at the commencement of the war of the rebellion, or a free colored person residing in the Cherokee Nation at the commencement of said war, and as to your residence in the Cherokee Nation since that time.

You are, therefore, hereby directed to appear before the offices of the Commissioner to the Five Civilized Tribes at

nine o'clock A. M., on Thursday, October 26, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

(Signed) Tams Bixby

Commissioner.

LS

Register

Cherokee Freedmen

D-1311.

Muskogee, Indian Territory, January 30, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated January 27, 1906, making copies of the testimony in the matter of the applications for the enrollment as Cherokee freedmen of David Alberty, et al., Josh Starr and Reuben Starr, a part of the record in the matter of the application for the enrollment of Lucy Alberty as a Cherokee freedman. There are also inclosed copies of the testimony taken in said cases.

Respectfully,

Incl. S-108

Acting Commissioner.

Cherokee Freedmen

D-1311.

Muskogee, Indian Territory, January 30, 1906.

Cravens, Rutherford & Cravens,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated January 27, 1906, making copies of the testimony in the matter of the applications for the enrollment as Cherokee freedmen of David Alberty, et al., Josh Starr and Reuben Starr, a part of the record in the matter of the application for the enrollment of Lucy Alberty as a Cherokee freedman. There are also inclosed copies of the testimony taken in said cases.

Respectfully,

Incl. S-107

Acting Commissioner.

Cherokee
F D 1311

Muskogee, Indian Territory, February 20, 1906.

Lucy Alberty,
Fort Gibson, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for your enrollment as a Cherokee freedman. Your attorney, R. R. Cravens, Muskogee, Indian Territory, has this day been furnished with a copy of the record of proceedings, together with a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Incl. GL-127.
GHL

REGISTER.

[redacted]

[redacted]

The Honorable,

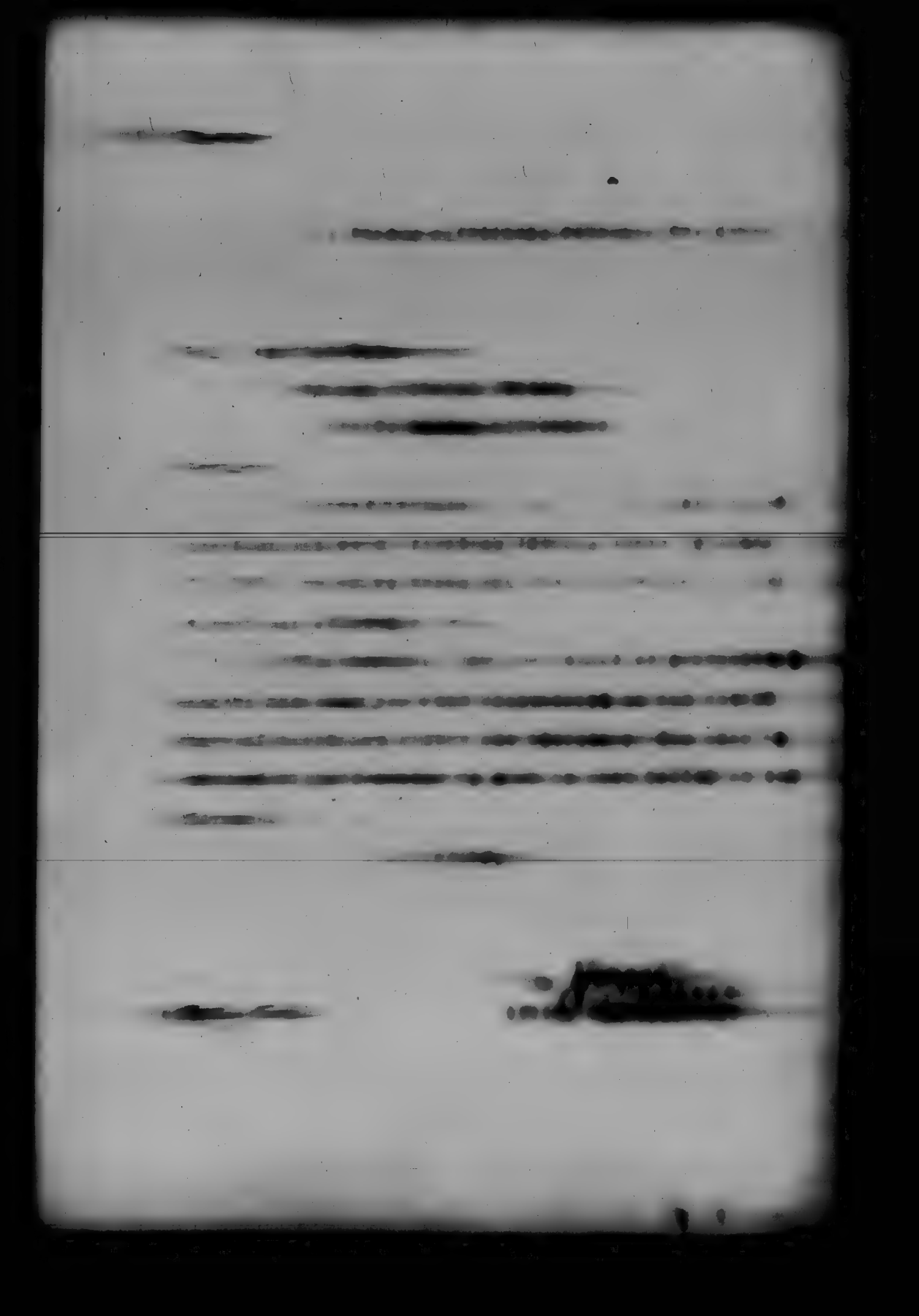
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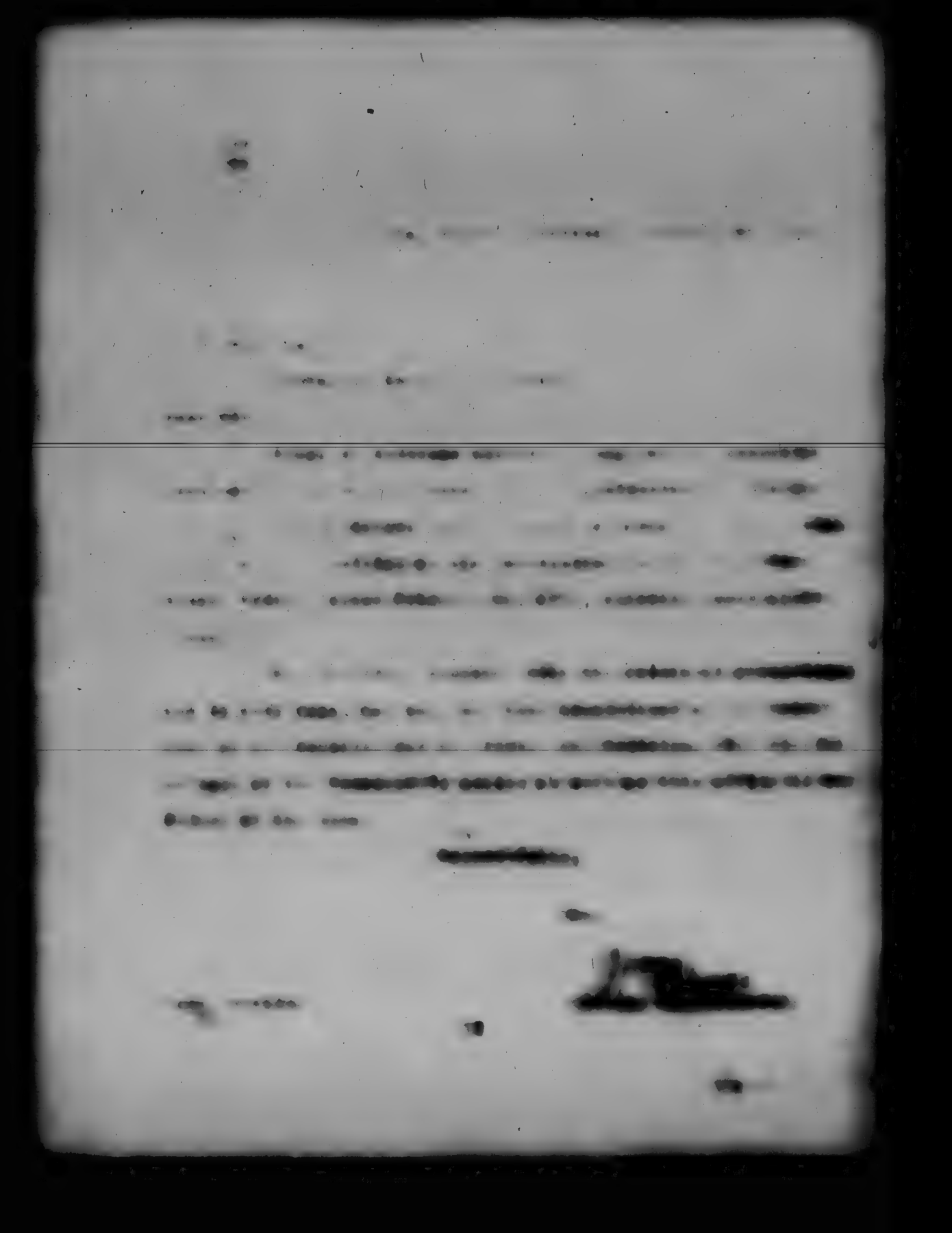
Sir:

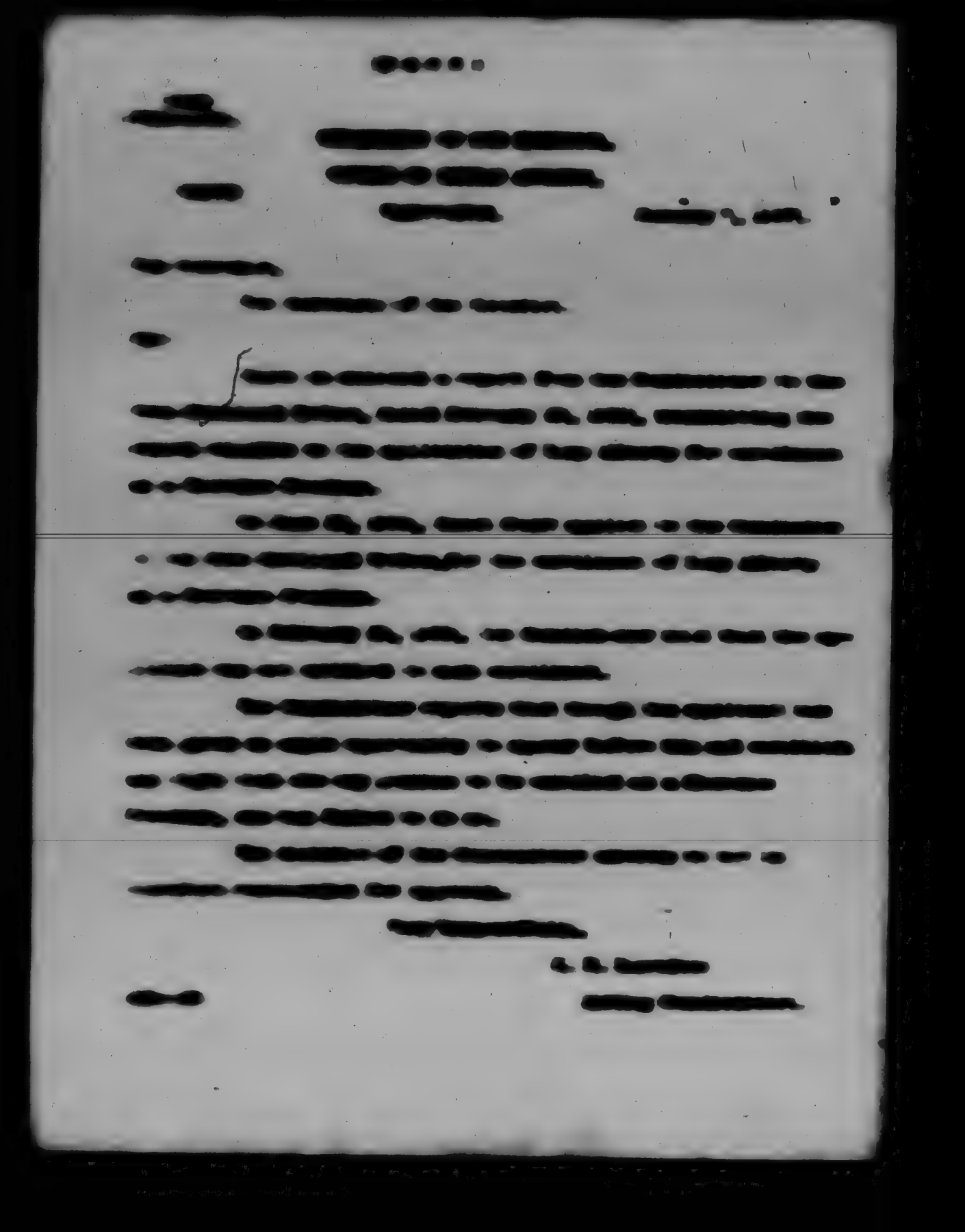
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DEPARTMENT OF THE INTERIOR, [redacted]

WASHINGTON.

[redacted] January 14, 1907.

L.L.L.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 28, 1906, you transmitted the record in the matter of the application of Ennet Stout for the enrollment of Lucy Alberty as a Cherokee freedman, together with your decision of even date, denying the application.

The testimony in the case does not show affirmatively whether Lucy Alberty was the slave of a Cherokee citizen or a free colored person residing in the Cherokee country at the commencement of the rebellion, her residence in the nation not being definitely established until after February 11, 1867. It further appears from the record that her name is not on any roll of the Cherokee Indians and that she has had ample opportunity to prove her claim, but has neglected to do so.

Reporting January 7, 1907 (Land 17488-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for the files.

Respectfully,

[redacted]
Assistant Secretary.

Approved for transmittal
[redacted]
Acting Secretary.

2 inclosures
1 Copy of Ind. Off. ltr.

Cherokee F.
D 1311.

Muskogee, Indian Territory, February 6, 1907.

Lucy Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior, January 14, 1907.

Respectfully,

Commissioner.

HJC

Cherokee
F.D. 1311.

Muskogee, Indian Territory, February 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for the enrollment of Lucy Alberty as a Cherokee freedman, was affirmed by the Secretary of the Interior January 14, 1907. For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-70.
HJC

Commissioner.

Cherokee F.
D 1311.

Muskogee, Indian Territory, February 7, 1907.

R. R. Cravens,

Attorney for Lucy Alberty,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for the enrollment of Lucy Alberty as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 14, 1907. For your information there is enclosed herewith a copy of the Departmental decision referred to.

Respectfully,

Encl.H.J.71.
HJC.

Commissioner.

261 131

No. _____

SUBPŒNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of Lucy Abbott

in the Cherokee *Nation.*

I, R R Cravens do solemnly swear that I am 30 years of age, and that on the 23" day of Sept 1905, in the Nation, Indian Territory, I served the within Subpœna on the within named Mary Tulsom by then and there delivering a true copy of the same to said Mary Tulsom, by registered mail, as per receipt attached

Subscribed and sworn to before me this 23 day of Sept 1905

W. P. Field

Notary Public

Freedmen D.1311.

23.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

To Mrs. Mary Pulsch.

Stilwell, Indian Territory.

You are hereby summoned to appear before the the Commission to the Five Civilized Tribes at Muskogee, ~~Indian~~ Indian Territory, on the 5th day of October 1905, to testify before said Commission in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the application of Lucy Alberty for enrollment as a citizen of the Cherokee Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee this 19th day of September 1905.

W. O. Beall

Acting Commissioner.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

Date June 28, 1902

Post Office Dr. Gibson, I.T.

District Tahlequah

1. Name Reuben Starr Age 21 Citizenship

Owner's name

Year 1896 Page 45 No. 1133 District Tahlequah

Parents:

Father Josh Starr - living Citizenship Freedm- Cher Nation

Mother Lucy Alberty - " Citizenship " " "

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Ow N. C. will as Ruben Alberty

X refd to 163

Cher. Fr. R. 1235

Trans. from Cher. Fr. D. 1312

Cher. Fr. R. 1235

R
Cher F D 1512

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Jennie Brewer #21 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B C Powers
Notary Public.

Cherokee Freedman 3-1312.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jennie Brewer as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Jennie Brewer as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Jennie Brewer is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Jennie Brewer on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Jennie Brewer as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1236

Trans. from Cher. Fr. D. 1313

Cher. Fr. R. 1236

R
Cher F D 1313

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Clarenmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Ellen Baldridge #19 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B. O. Jones
Notary Public.

Cherokee Freedmen D-1213.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of-
Ellen Baldridge as a citizen of the Cherokee Nation.

-:-:-:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ellen Baldridge as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Ellen Baldridge is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, where such information has been constantly sought; and since the closing of said applications the General Office of the Commission to the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on March 4, 1906, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of

Ellen Baldridge on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Ellen Baldridge as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1237

Trans. from Cher. Fr. D. 1314

Cher. Fr. R. 1237

R
Cher F D 1314

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Robert Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mary Bean #23 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 4, 1902.

B. O. Jones
Notary Public.

Cherokee Freedmen Papers.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary Bean as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mary Bean as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mary Bean is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Cherokee Land Offices opened on January 2, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly coming in since the filing of said applications. The Central Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, have used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and as to whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Mary Bean on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary Bean as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1238

Trans. from Cher. Fr. D. 1315

Cher. Fr. R. 1238

R
Cher F D 1315

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Jamie Bellen #44 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

B. C. Caldwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 5, 1902.

Notary Public.

Cherokee Freedmen 3-1896.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Tessie Bollen
as a citizen of the Cherokee Nation.

--o--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Tessie Bollen as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Tessie Bollen is identified on the Cherokee Census roll of 1896 as a Cherokee Freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; the Cherokee Land Office opened on January 5, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commissioner and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Tessie Bellen on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Tessie Bellen as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1239

Trans. from Cher. Fr. D. 1316

Cher. Fr. R. 1239

F D 1316

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Venita Rena Bird #57 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B O Jones
Notary Public.

Cherokee Freedmen 3-1913.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Venia Rena Bird as a citizen of the Cherokee Nation.

---:o:---

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Venia Rena Bird as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Venia Rena Bird is identified on the Cherokee [illegible] roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said officials and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission, and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Venia Rena Bird on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Venia Rena Bird as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1240

Trans. from Cher. Fr. D. 1317

Cher. Fr. R. 1240

COMMISSION TO THE FIVE
FILED
AUG 16 1902

1311

Chas. F. D. 1902

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Dick Carter, page 747, # 818, Tahlequah District; also on Wallace roll, page 78, # 1864, Tahlequah District.

E. C. Ingrell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Ingrell

Subscribed and sworn to before me this August 5, 1902.

C. R. Breathitt

Cherokee Freedmen D-1311.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Richard Carter as a citizen of the Cherokee Nation.

--:oo:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Richard Carter as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Richard Carter is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, have used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless such information was furnished. No information has been obtained tending to show the status of Richard Carter on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Richard Carter as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1241

Trans. from Cher. Fr. R. 1318

Cher. Fr. R. 1241

COMMISSION TO THE FI

FILED
AUG 16 1902

ACTING

Cher F D 1311

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Calvin Carter, page 747, # 519, Tahlequah District; also on Wallace roll, page 73, # 1586, Tahlequah District;

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

[illegible]
Notary Public.

[illegible] 9-1[illegible].

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Calvin Carter as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [illegible] Carter as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Calvin Carter is identified on the Cherokee Census roll of [illegible] as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since those applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Calvin Carter on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Calvin Carter as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1242

Trans. from Cher. Fr. D. 1319

Cher. Fr. R. 1242

R
Che. F D 1319

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Simon Fields, Jr. #132 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B. C. Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
[redacted] Jr. as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Fields Jr. as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of 1896 as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant included all persons whose names were found upon the Cherokee rolls of 1880 and 1896 not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in the applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, and the Cherokee Land Office opened on January [redacted], 1903, [redacted] was transferred to [redacted] Indian Territory, [redacted] filing

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Simon Fields Jr. on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Simon Fields Jr. as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1243

Trans. from Cher. Fr. R. D. 1920

Cher. Fr. R. 1243

R
Cher F D 1320

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Katie Fields #149 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B. A. Davis
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Katie Fields as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Katie Fields as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Katie Fields is identified on the Cherokee [redacted] roll of 1896 as a [redacted]

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore enrolled. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session; each and every member of which, upon request, [illegible] such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling [illegible] overlooked by the Cherokee Nation seeking [illegible]

[illegible]

On July 22, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed in information has been obtained tending to show the status of

Katie Fields on September 1, 1904.

IT IS THEREFORE ORDERED: That the application for the enrollment of Katie Fields as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1244

Trans. from Cher. Fr. D 1321

Cher. Fr. R. 1244

R
Cher F D 1321

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Simon Hicks #182 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B B Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Simon Hicks as a citizen of the Cherokee Nation.

—:—
O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Simon Hicks as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Simon Hicks is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to persons entitled to the Cherokee Land Office opened on January 1, 1903, at Vinita, Indian Territory, removed to Tahlequah, Indian Territory [illegible]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Simon Hicks on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Simon Hicks as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1245

Trans. from Cher. Fr. D. 1322

Cher. Fr. R. 1245

Case # D 1522

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ELBET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Elbet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Maude (M) Johnson #258 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, [illegible] as stenographer to the Commission to the Five Civilized Tribes, do correctly record the testimony and proceedings [illegible] and that the foregoing is a [illegible] thereof.

Subscribed and sworn to before me this [illegible]

[illegible]

Cherokee Freedmen

COPY

D-1322.

Muskogee, Indian Territory, October 24, 1905.

Chief Clerk,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

On June 30, 1902, Maude (M) Johnson was listed for enrollment from information. Sufficient information has not been obtained to determine her right to enrollment as a Cherokee freedman. This office has been informally advised that she is dead. There is a note on the 1896 census roll opposite her enrollment to the effect that she is the granddaughter of Sarah Ross. Sarah Ross is listed for enrollment on Cherokee card, Field No. R-333, and it is understood that she lives in the town of Tahlequah.

You are, therefore, directed to make an effort to find out from her whether or not said Maude (M) Johnson is living, and if dead, to procure evidence from her as to the date of her death.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

LS

32 F.D. 13228

IN RE-
THE DEATH OF
Maude (M.) Johnson
a citizen of the
Cherokee Nation.

Approved November 10 1905.

Commissioner.

A.R.W.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
Nov. 10 1905.
COMMISSIONER.

F D 1322 -

IN RE

THE DEATH OF

Maude (M) Johnson

a citizen of the

Cherokee Nation.

APPROVED November 10, 1905.

Commissioner.

It appears from the within affidavits that the applicant, Maude (M) Johnson died prior to September 1, 1902, it is hereby ordered that the application for the enrollment of said Maude (M) Johnson as a citizen by adoption of the Cherokee Nation be dismissed.

Muskogee, Indian Territory.

1905

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Maude (M) Johnson (Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Tahlequah (Here insert name of postoffice.), Ind. Ter., and died on the prior to the 1st day of
September, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Sarah Ross, on oath state that I am about 65
years of age and a citizen, by adoption, of the Cherokee Nation;
that my postoffice address is Tahlequah (Here insert name of postoffice.), Ind. Ter.; that I am
the grandmother of Maude (M) Johnson (Here insert name of deceased.)
(State relationship: as the father; an uncle; a cousin, etc.
who was a citizen, by adoption, of the Cherokee Nation
and that said Maude (M) Johnson (Here insert name of deceased.) died on the prior to the 1st day of
September, 1902.

WITNESSES TO MARK:

Sarah her + Ross
mark

(Must Be Two Witnesses.) Henry Hamilton
L. L. Vieu

Subscribed and sworn to before me this 27 day of October 1905.

Simon R. Walkingstick
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Belle Poorboy, on oath state that I am 19
years of age, and a citizen by adoption of the Cherokee Nation;
that my postoffice address is Tahlequah (Here insert name of postoffice.), Ind. Ter.;
that I was personally acquainted with Maude (M) Johnson (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Maude (M) Johnson (Here insert name of deceased.) died on the 2 day of
February, 1901.

WITNESSES TO MARK:

Belle Poorboy.

(Must Be Two Witnesses.)

Subscribed and sworn to before me this 10 day of November 1905.

Simon R. Walkingstick
Notary Public.

Cher. Fr. R. 1246

Trans. from Cher. Fr. D. 1323

Cher. Fr. R. 1246

R
Cher F D 1323

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commisaion, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Johnson #277 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B O Jones
Notary Public.

Muskogee, Oklahoma, [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George Johnson as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of George Johnson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said George Johnson is identified on the Cherokee [illegible] roll of 1896 as a Cherokee [illegible].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, which information has been [illegible] General Office of the Commission [illegible] Muskogee, Indian Territory, [illegible] evidence as to whether or not [illegible] in said application [illegible] whether or not they were [illegible] date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of George Johnson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of George Johnson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1247

Trans. from Cher. Fr. D. 1324

Cher. Fr. R. 1247

I

Che: F D 1324

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Samuel Johnson #281 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

M. C. Dagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 8, 1902.

Notary Public.

Exception Freedman D-1284.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Samuel Johnson as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Samuel Johnson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Samuel Johnson is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office, opened on January 2, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, have used all reasonable means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Samuel Johnson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Samuel Johnson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1248

Trans. from Cher. Fr. D. 1327

Cher. Fr. R. 1248

R
Cher F D 1327

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BUNNEW, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Dora Mayfield #332 Tahlequah District;
Thomas Mayfield #333 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he stenographer to the Commission to the Five Civilized Tribes, is correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this December 3, 1902.

B O Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

[redacted] as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Mayfield as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Mayfield is identified on the Cherokee [redacted] roll of 1896 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, at the Cherokee Land Office opened on January 1, 1903, at [redacted] and afterward removed to Tahlequah, Indian Territory, and information has been constantly sought since the filing of said applications. The General Office of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, has [redacted] evidence as to the [redacted] persons whose names are included in said applications were living on September [redacted] whether or not they were entitled to Cherokee [redacted] date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Thomas Mayfield on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Thomas Mayfield as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cherokee Freedman 3-1367.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dora Mayfield as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Dora Mayfield as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Dora Mayfield is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all reasonable means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Dora Mayfield on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Dora Mayfield as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher. Fr. R. 1249

Trans. from Cher. Fr. D. 1328

Cher. Fr. R. 1249

Cher P D -1928

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Richard Irons, #337, Tahlequah District.
Mollie Irons, #338, Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], Tahlequah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 5, 1902.

[illegible] Reuter
Notary Public.

R.
C. F. D-1328.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 19, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of RICHARD NERO as a Freedman citizen of the Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are you? A Forty-six.
Q What is your post office address? A Tahlequah.
Q You are a recognized Cherokee Freedman? A Yes sir.
Q Do you know Richard Nero A Yes sir.
Q Do you know his wife Mollie? A Mollie is his sister.
Q What is their post office address? A Richard is at Fort Gibson. Mollie is at Wagoner. Mollie, she is a Johnson now.
Q Does Richard reside in Illinois District? A I think he is in Tahlequah. I don't know. He is near Fort Gibson.
Q Richard Nero is now about thirty-two years of age? A Yes sir.
Q Mollie is now about twenty-eight A yes sir.
Q What is the name of the father of these children? A Their father went by the name of Nero Irons. They took his given name for a surname.
Q What is the name of the motheref these children? A Fannie.
Q Is Nero Irons living? A No sir.
Q Was he a CherokeeFreedman? A Yes sir.
Q What was the name of his owner? A Annie Irons.
Q Was she a citizen by blood of the Cherokee Nation? A Yes sir.
Q Was Fannie Irons a Cherokee Freedman? A No sir.
Q Is she living? A Yes sir.
Q Was Nero Irons related to you? A Yes sir.
Q What relation is he to you? A He was my grandfather.
Q He is not the father of these children if he is your grandfather? A Yes sir , he is.
Q How long has Nero Irons been dead? A He died in Illinois, about 1873 I think, somewhere along about that time. He has been dead a good while.
Q Was Nero out of the Cherokee Nation during the war? A No sir.
Q Did he stay in the CherokeeNation all the time during the war? A Yes sir.
Q Was he recognized after the war as a CherokeeFreedman? A Yes sir
Q Was your father and the father of Richard and Mollie Nero brothers? A Nero Irons was the fatheref my mother, and she was a sister to Richard and Mollie Nero. That made these two children my uncle and aunt.
Q Do you know what is the reason they have never applied for enrollment? A Yes sir. Because their mother was a Creek citizen, and they enrolled in the Creek Nation with their mother.
Q Do you know to what town in the Creek Nation the mother of these children belongs? A She is living in this Nation, right in this district now. She is living in this district in the Cherokee Nation.
Q What is her name now? A Her name is Fannie Miller now. She is a widow though.
Q Has she enrolled in the Creek Nation under the name of Fannie Miller? A Enrolled in the Creek Nation under the name of Fannie Miller.
Q Richard and Mollie Irons do not claim citizenship in the Cherokee Nation at all now, do they? A No, not now.

1896 census roll of citizens of the Cherokee Nation examined, and applicants identified thereon as follows:

Page No. 337, Richard Irons, Tahlequah District.

No. 338, Mallie Irons, Tahlequah District.

Kern-Clifton Roll examined for applicants, and names identified as follows:

Page 133, #5297, Richard Irons, Illinois District.

Page 133, #5296, Mallie Irons, Illinois District.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of September, 1902.

John R Rosson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 24, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of THOMAS MAYFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:
Per Applicants, Starr & Patten.
Per Cherokee Nation, J. S. Davenport and L. B. Bell.

By Mr. Davenport:

The representatives of the Cherokee Nation desire to introduce the entry in the book of assessment for 1868, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

By Mr. Patten:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle.
5	Adams, Warren	3	$0	1

Value	No. of Mules	Average value of all	Average Per. Property.
12	1 Value 8	-------	17

Total	Deduct Constitutional exemption	Remarks.
92	200	(White) "Country"

Q Has that entry been changed, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.
Q I wish you would examine the book which you have before you, and see if you find any assessment for 1868 of Nathan Duffin? A Yes, sir.

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy,2 and that the above and foregoing is an excerpt copy of the record of proceedings had on May 24 and 25, 1906, in the matter of the application for the enrollment, as Cherokee freedmen, of Thomas Mayfield, et al., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo. H. Lesley

Subscribed and sworn to before me this 1st day of September, 1906.

Chas. E. Webster
Notary Public.

Cherokee Freedmen R 574-536-543-
557-599-631-579.
Cherokee Freedmen R 36-D 87-1328-
251-252-253-357-731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL,. F. R. 574 et al., and GEORGE IRONS, ET AL., F R 36 et al.

APPEARANCES:
For Applicants, Starr & Patten.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The records of this office show that on April 5, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. H. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A J. H. Walters.
Q Where do you live? A At Iola, Kansas.
Q How long have you lived there? A Since the 19th of July, 1861.
Q What is your age? A 62 the 5th day of last March.
Q Were you a soldier in the Civil War? A I was.
Q When were you mustered out of service? A The 19th of September, 1865.
Q Where were you living in the year 1866? A I was living one mile north of Iola.
Q Were you acquainted with a colored man in that neighborhood by the name of Mose Hardrick? A Yes sir, I was.
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected o as being clearly inadmissable because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

A No I cannot say that I heard that he had left there. A I didn't see him and that is all I know about it.
Q Didn't see him after that time? A No sir.
Q Have you lived in that neighborhood ever since? A Yes sir.
Q Have you seen him in that community since? A No sir, not until I met him here today.
Q Do you know of there being a house built in that neighborhood known as the Dan Horville house a good many years ago? A Yes sir.
Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quaried the rock for the foundation and cellar.

BY MR. HASTINGS:
Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March, 1866? A I lost sight of him.
Q Never made any inquiry and had no occasion? A No sir.
Q And don't know what become of him? A No sir.
Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what become of them. Some went to one place and some others, and others may have remained there?
A Yes sir, I think that might have been the case.

W I T N E S S E X C U S E D .

FELIX LORANCE, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Felix Lorance.
Q Where do you live? A I live in Elk County, Kansas.
Q How old are you? A I am 58 years old last 31st day of April.
Q Were you ever in the army? A No sir, I wasn't in the army.
Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
Q Did you know about that time a xx colored man by the name of Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons? A I knew a darkey called Jeff, for instance we called a negro named Jeff, we called him "Nigger Jeff."
Q Did you know one named "Nigger Butler?" A Yes sir.
Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, northwest corner of my father's farm in Allen County, that is up until the first part of the year, he left there in the fall of 1866.
Q Is this Mose Hardrick the same as the applicant in this case?
A This man right here.

Q You could identify him could you? A After I looked at him awhile, when he was there he wasn't lame or crippled up.
Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
Q Did he work there in the fall of 1866? A The first part of it.
Q Where did Jeff Lyons live? A I don,t know
Q Do you remember how long Mose Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
Q What did he livd in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
Q In what year was it? A 1866.
Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
Q Do you remember when Dan Horville's house was built? A Well I was there, but I don,t remember ~~my~~ anything about the dates at all. I didn't work on it any when it was built.
Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don,t remember when it was built.
Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1868.
Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
Q When did you return? A June, 1866.
Q Was it that same year or different years these parties left?
A That same year.
Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
Q The following year you farmed that ground? A Yes sir.
Q When was that? A 1867.

BY 'R. HASTINGS:

Q When were you married? A The first time in 1870.
Q You were not married then? A No sir, I was just 18 years old. I was born in 1848.
Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.
Q You mentioned a man named Jeff and Butler and "Nigger Tom?" A Yes sir.
Q Did they leave and come with him? A I never saw them afterwards.
Q I asked did they leave? A I don't know, there was a bunch left at the same time? Mose left.
Q You didn't have any knowledge about Jeff? you don't know where he lived? A No sir.
Q Are you prepared to say he come off with Mose? A I don,t know, there was a bunch left there.
Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Mose or not.
Q How about this man Tom? A I don't know anything about him.
Q Did you ever see either of these after Mose left? A No sir.
Q Are you certain of that? A Pretty so, I never saw one that I remember of.
Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.
Q Who directed your attention to it? A I don,t know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.
Q How long ago was it? A A couple of months, I expect since I saw him.
Q Did you know Moses' wife's name? A I think her name was Patience.
Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
Q Do you know of the youngest one? A No sir.
Q Do you know whether they were boys or girls? A I don't know that, he had a small family there? He lived in their own house and we lived in ours.
Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.
Q You don,t know of him coming to the Cherokee Nation? A Never saw him from the time he left there.
Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.
Q Did Mose ever live on that Eastwood place west of the Neosho River? A I don't remember.
Q Did he ever live on that Horville place? A I don't think he did, but I don't remember.
Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don't remembe r her.
Q Did he have any children? A I don,t know whether he did or not
Q Did you ever see Butler McNair's wife? A I don't think I did.
Q Did he have any children? A I don,t know.
Q Did you ever see Tom's wife? A I don't think I did, if I did I don,t remember it.
Q When were you told what Mose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience and us kids would kind of make a little game of it.
Q If she did your washing you don't remember the children's names?
A No sir.

Q You don't know how many there were? A No sir.
Q Do you know whether they were boys or girls? A IThink the elder ones were boys but I am not positive.
Q How long did your father live, is he dead now? A He has been dead about 20 years.
Q Was he living in 1872? A Yes sir.
Q In 1876? A Yes sir.
Q Who was living on your father's place in 1872? A He was there.
Q Your father? A Yes sir.
Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
Q Did you ever go back there at all. A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
Q You don't know who was there,--what of those years between them or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
Q Who cultivated your farm? A I did myself, and sometimes had hired men.
Q Who worked for you at that time? A I don't remember.
Q It is mighty hard to remember those things? A Yes, unless you have got something to go by.
Q You would not undertake to remember it? A No sir. I don't suppose I would remember Mose unless it was by my brothers coming out of the army and my going on the plains. and coming back.
Q Suppose he says he come in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
Q You don't know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S _ E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows;

BY MR. PATTEN:
Q State your name? A James L. Christy.
Q Where do you live? A In Allen County, Kansas.
Q Is that near Iola? A Yes sir, I live 11 1/4 miles northwest of Iola now.
Q Were you enlisted as a soldier during the Civil War? A Yes sir.
Q When were you mustered out? A August 16, 1864.
Q Where were you living in 1866? A Two miles north of Iola.
Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McNair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pase.
Q Where was Mose Hardrick Living? A On a man's place named Lorance.

Q How far was that from where you lived? A About a mile and a half.
Q Did you see these people frequently? A Yes sir, with them every week.
Q Do you know how long Mose Hardrick continued to remain in that community ? A Why I don't know the exact date he left there, I got acquainted with Mose in 1865.
Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Mose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I get acquainted with them that way.
Q When did they leave that community up there? A To the best of my knowledge sometime in October.
Q What year? A 1866.
Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
Q Did they take their effects with them when they left, moved completely out? A I don't know, I know they rigged up in wagons, and whether they took all I don't know.
Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
Q How long did you live in that community continuously after that
A I guess I lived right there for 10 years.
Q Did you ever see these people after that time you say they left?
A No sir, I never did.
Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
Q Did you ever see them there after that time? A No sir.
Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Mose Hardrick and some of these colored fellows to help us thrash and theysaid they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:
Q You think that was in October? A Yes sir, and there was another circumstance made me talk that. In that winter before, January and February 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
Q Was that in January or February, 1866? No sir, it was in August /
Q Why couldn't that have been in August, 1867? A Because I wasn't right at that place in August , 1867.
Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
Q What time in 1867 did you get married? A November, 1867.
Q Then you were not married in August, 1867? A No sir.
Q And you were not married in October, 1867? A No sir.
Q Were you on your father's place? A I was on my father's place part of the time.
Q How old did you say you were? A I didn't state but I will be 66 the 12th day of July.

Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
Q That was your head-quarters? A Yes sir.
Q Now you of course don't know where these parties went? A No sir.
Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
Q You state they all left together? A That was my understanding.
Q You are as positive about one as the other? A Yes sir.
Q What was Butler McNair wife's name? A I think it was Betsey.
Q Did they have any children? A I don,t think they did.
Q What was Jeff Lyon's wife's name? A I don,t know.
Q Did they have any children? A I don't know.
Q Were you ever at his house? A No sir, I don't know as I was at his house.
Q Then you didn't see him when he was leading his wagon? A No sir.
Q And you didn't see Butler McNair? A He had his wagon loaded.
Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
Q You don,t know that? A I am not positive as to the date but I am pretty sure they all left together.
Q You are not positive as to the date but you are positive as to them leaving all together? A Yes sir.
Q You didn,t know Tom Moore's wife? A I have seen her.
Q You don't know her name? A No sir.
Q Do you know what place he lived? A ON Coover's place at Carlile.
Q You don,t know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
Q Well now did your father raise any wheat in 1867? A Yes sir.
Q Did he raise some in 1865? A We tried toraise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
Q Did you raise some in 1868? A Yes sir, I think we did.
Q Didyou raise any in 1869? A I think may be we did. We generally sowed wheat every year.
Q Well did you? A We sowed every year.
Q I mean did you have it sown on your place? A No sir, not on my place.
Q Did you have a place in 1869? A No sir, not myselfk, the place I was on belonged to my father.
Q Did he have some wheat in 1869M? A I rhink he did.
Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
Q The same man? A No sir.
Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate Wisdom thrashed in there for 21 years.
Q Do you know whether it was 1869 or '70? A I think it was 1869.
Q Are you positive about that? A Yes sir, I am pretty positive.
Q What time in 1869? A I think it was in the fall.
Q You were not down at Mose Hardrick't when he left? MA No sir, but I was there several times and heard of his leaving..
Q You heard of his leaving? A Yes sir.
Didn't see him leave? A No sir, didn't see any of them leave.
Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they were going and I sold Tom Moore a span of ponies to come with just a few days before they left.

Q But you don,t know whether he and Mose come together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbelt.
Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case come up---
Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
Q What other of these people have you talked with? A I don,t know, I don't know any of them but Mose.
Q Talk with Mr. Starr? A Yes sir.
Q When? A This morning the first time I ever seen him.
Q Who did you talk with up in Kansas and who got you to come here?
A Well the man I talked to up in Kansas was Parrymore.
Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up--
Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
Q And the reast of you witnesses talked it over coming down here?
A We didn't talk it over. Only two come with me.
Q Who? A A man named Morse and a man named Byrd.
Q Do you know any of the hands that helped you thrash in 1867?
A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
Q who was that? A John Walter.
Q Who helped you in 1868? A Why John Wlater I guess.
Q Are you positive about that? A Well we always changed work.
Q You had been in the habit of changing work are you positive you changed that time? A Well I don,t know for sure.
Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
Q If he testified he come in the spring, it was some spring after that? A He was mistaken, not that spring.

BY MR. PATTEN:
Q At the time these parties left that neighberhood in Kansas were you married or single? A I was single.
Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
Q You speke on your cerss-examination something about some one tanning some deer hides for you? A That was Tom Moore.
Q Did that instance help to regresh your memory? A Yes sir.
Q In what way? A In the year that he tanned them. I knew what year it was.
Q How do you happen to recall that instance of him tanni ng these hides for you? AA Well after he got them tanned he tookd them all away and I never got but one little hide.
Q Did he take them all away? A Yes sir.
Q You remember you lost your hides? A Yes sir.
Q Do you or do you not positively remember that it was in 1868 that these people left? A Yes sir.
Q You speke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know wh at he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On Behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.
Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:
Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Mose Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865,-- no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring.
Q And it was the next year after they damaged it the grass hoppers were bad up there that Mose left? A The last grass hoppers were there in the spring along--
Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.
Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.
Q Didn't hurt your crop in 1866? A No sir, it was in 1865.
Q But any how it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTEN:
Q Do you remember when the Dan Horville house was built? A Yes sir.
Q What year was it built in? A In the spring of 1866 they commenced it.
Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:
Q How far from Iola was the Dan Horville house? A It is a mile and a half from the center of the square.
Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.
Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.
Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.
Q Now out in that neighberhood? A Wasn't any settlement up there them days.
Q When was the first house built there? A Old Lyman Rowe built the first house east of there.
Q When was that? A In the fall of 1869.
Q What I am trying to get at there was nothing to impress it on your mind of anybody building a house around there? A Well yes I know, there was a lot of houses built around there.
Q You mean to sit up here and tell when these houses were built without anything to fix it on your memory? A I am the eldest settler in that country.

Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
Q Why then was the Dan Norville house? A He built the finest house in the country.
Q Well aint there lots of fine house around in that country.
A Yes sir, there is now, but he built the first.
Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C U S E D .

J. C. THOMAS, being furst duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A J. C. Thomas.
Q What is your age? A 64.
Q What is your post office? A Iola.
Q Kansas? A Yes sir.
Q How long have you lived in or around Iola, Kansas? A Ever since 1864.
Q Where were you living in the spring of 1865 ? A I lived at Iola, near there, right in a half mile of the town.
Q What direction from town? A West of town at the mill.
Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
Q By what name did you know him? A By Jeff.
Q Did you know his wife? A Yes sir.
Q What was her name? A Mahala, she done my washing until I was married.
Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing?
A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
Q Did you get a deed to that farm? A Yes sir.

MR. Starr. Mr. Hastings we want to have a notation made of this deed.

Mr. Hastings: I have no objection whatever,

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described therein to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29, 1865 The deed is returned to the witness.

Q Now where was Jegg and Mahala at the time you bought this place?

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On Behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Cowherd's place.

Q How far was that from where you lived? A On part of the place, there was a lot cut off of his place.
Q How lend did you continue to live at that place? A From 1865 until the spring of 1866.
Q Then where did you move? A On to this place.
Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowhorn place.
Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
Q What became of Jeff and Mahala after that? A I don,t know sir, I haven't seen them since.
Q How long did they continue to live there after that, after you moved on to this other place? A I don,t know sir, the y may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
Q Did they leave that part of the country in 1866? A

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

A I never see them after that, don't knew where they went.
Q Never saw them since? A No sir.
Q How what was your understainding as to ~~ik~~ where they went?

Mr. Hastings: Objected to bedause he says he doesn't knew where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will beneted.

A My understanding was that they come down here. I asked why they left there so quick, I didn,t think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:
Q You don't know who you talked with? A Nosir.
Q Abd you don't know of your own personal knowledge when they left?
A No sir, I don,t.
Q You cannot begin to testify and you arenot going to testify?
A No sir.
Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
Q And you don't know whether they left that spring, or summer or when? A No sir.
Q All you remember is that you didn,t remember of seeing them after you moved? A No sir.

W I T N E S S E X C U S E D .

ELIZABETH THOMAS, being first duly sworn testified as follows:

BY MR. STARR:
Q What is your name? A My name is Elizabeth Thomas.
Q What is your age? A I am 64.
Q What is your post office? A Iola, Kansas.
Q How long have you lived in or around Iola, Kansas? A Well since 1858, the fall of 1858.

Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there about 100 yards.
Q Are you acquainted with a colored man named Jeff Lyons in 1865?
A Yes sir.
Q Did you know his wife Mahala? A Yes sir, she lived there close.
Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don,t know really how far it was, not over that.
Q Did you know them there in 1866? A I never saw them until here.
Q When did you leave the place? A In the spring of 1866.
Q Did you see them around there after the time you left? A Yes sir, before we left.
Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
Q Now when was it that they came to the Cherokee Nation? A Well sir---

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On Behalf of the Commissioner: The objection will be noted.

A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very shor t time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:
Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn't go with them.
Q You didn't see them when they left there? A We went from that vicinity.
Q Did you see them when they left? A No sir.
Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
Q Didn't you say they dropped out of your sight in the spring of 1866. A I said I hadn't been back to visit where I lived.
Q Didn't you say you didn't see them after the spring of 1866? A I don,t think I did.
Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? The folks-

On behalf of the Commissioner: Answer his question, yes or no.

A I didn't know that they were coming down here.
Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
Q Now you are determined to say that? A Well it is just hearsay, the same as our neighbors, everybody knows:
Q Who lived on your place in 1867? A We lived there ourselves.
Q Did you have any tenant? A No sir.
Q Did you have any one in 1875? A No sir.
Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
Q What time did you move on this place in the summer? A In the spring, the first of March.

Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
Q You don't know where they were of your own personal knowledge?
A No sir.
Q Did they have any children? A Yes sir, one.
Q What was its name? A It sname has slipped my mind.
Q Boy or girl? A Boy.
Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
Q That had only one there and it was 5 or 6? A Yes sir:
Q That was Jeff and Mahala? A I don't know, it was called theirs.
Q Do you know where it was born? A No sir.
Q Did they have any born while there? A Nosir.
Q You know that? A Yes sir, I know that.
Q This one you knew is 5 o r 6 years old? A I judge it was.
Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:
Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

On Behalf of the Commissioner: The objection will be noted.

A We have never lived on but one place, we live right where we moved when we went to housekeeping.
Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
A To the best of my knowledge it was.

BY MR. HASTINGS:
Q Was it a month after you moved on your place? A It was more than a month.
Q Two months? A I think it was that, well this Jeff just tended a crop that year.
Q You don,t know this? A I know they had to hire another hand, they said Jeff was gone.
Q In making that crop? A Yes sir.
Q Making a crop of corn? A Yes sir, a mixed crop I guess.
Q That is what you recollect about it? A Yes sir, I wasn't on that place, I just seen the family once in a while.

WITNESS EXCUSED.

On motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A.M.

On June 22, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being furst duly sworn, testified as follows:

BY MR. PATTEN:

Q What is your name? A R. J. Morris.
Q Where do you live? A Iola, Allen County, Kansas.
Q How old are you? A Past 61.
Q How long have you lived there? A A little bit over 50 years.
Q Were you a soldier in the Civil War? A No sir.
Q Did you know a man by the name of Mose Hardrick, a colored man about war time? A Yes sir.
Q When did you first become acquainted with him? A Personally acquainted with him in 1864, we were out together in Price's Raid., there is where I got personally acquainted with Mose.
Q Did you continue to know him after that time? A I did for a year or two.
Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Lorance.
Q Where were you living at that time? A Two miles northwest on Deer Creek.
Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Mose in town.
Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Mose.
Q Did you knew Tom Moore? A Yes sir, very well acquainted with Tom.
Q Did you know Butler McNair? A Yes sir.
Q Where did these other people live, Jeff Lyons, where did he live?
A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
Q Was that close in the neighborhood where you lived? A Probably five miles.
Q Where did Butler live? A On Deer Creek about 4 miles from me.
Q Where did Tom live? A ON Coover's place, a mile north of where Butler lived.
Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
Q And where did they go, if you know? A I don't know, they left there and said---they were talking of coming back home, I suppose the Territery. They left there at that time along sometime in October or November, I couldn't say which month.
Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
Q And about how long before you were mard ed did they leave? A year.
Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
Q Do you know when the Dan Herville house was built up in that community? A I couldn't say as to that, it was built in the early days.
Q You don,t know what year? A No sir.

BY MR. HASTINGS:
Q It is pretty long to remember when people's houses were built around there? A Wll I will tell you that was about the finest house put up in that country then.
Q But you cannot remember? A No sir, I couldn't say what year
Q You would not like to say from an independent memory? A No sir.
Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.
Q You perhaps knew there was a colored man by that name? A Yes sir.
Q You don't know the members of his family? A No sir.
Q You don't know anything about the members of Tom Moore's family?
A I knew his wife, a girl Rose, an adopted girl.
Q How old was Rose? A She was just a little bit of a girl.
Q About what age? A Probably 7 or 8 years old.
Q Well now what place did Tom Live on? A On Coover's place.
Q About how far was that from where you lived? A About 4 miles.
Q Well was that settlement around Iola pretty thickly settled?
A Yes sir, tolable.
Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.
Q You made no note or nothing of that? A No sir.
Q You are just testifying from your own independent recollection?
A Yes sir.
Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.
Q You are not going to state it here and swear positively as to that? A Only as to my recollection.
Q You have no record guide you? A No sir.
Q And the same is true of Butler McNair? A Yes sir.
Q And of the others you have testified? A Yes sir, I would not attempt to say positively.
Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.
Q It is possible you could be though? A Yes sir.
Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there befose I was married.
Q You have got nothing that connects your marriage with them? A No sir.
Q They didn't attend your marriage or anything of that kind? A No sir.
Q I mean did work mf for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.
Q Well I know, you often times thought have help around there? A They would have been there at the wedding.
Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.
Q As I understand you these were colored people living there in the country that you knew? A Yes sir.
Q You know a great man there, colored people there? A Yes sir.
Q And these people dropped out of your sight about the time youx indicated? A Yes sir.
Q You are not going to testify as to where they went to? A No sir.
Q You never saw them in the Cherokee Nation until recently? A No sir.
Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground

Q Might for aught you know? A Ye s sir, we might meet in the happy hunting ground.
Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
Q That is all dropped outof your sight? A Yes sir.
Q You were not there when either of them left? A No sir.

BY MR. PATTEN:
Q You were more particular acquainted with Mose Hardrick? A Yes sir, Mose more particularly.
Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in the fall of 1866.
Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being hearsay.

On Behalf of the Commissioner: The objection will be noted.

A They were coming back home, back to the Territory, that was my understanding.

W I T N E S S E X C U S E D .

CALVIN ROBS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Calvin Ross.
Q How old are you? A 66, 67 next spring.
Q Where do you live? A Iola, Kansas.
Q How long have you lived there? A I have been there ever since the war.
Q Did you know Mose Hardrick during the war? A Yes sir, I knowed him.
Q Did you know Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Did you know Tom Moore? A Yes sir.
Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
Q Did you go up there with them? A Yes sir.
Q Were you in the Territory here before the war? A Yes sir, raised right over here on the Grand River.
Q Did you go to Kansas with that party up tere? A Yessir.
Q Where were you living in the year 1866 after the war? A Up there.
Q Where? A Iola.
Q How far from Iola? A Right in town.
Q Do you know where Mose Hardrick was living then? A Yes sir.
Q Where? A On the Lorance place.
Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
Q Do you know where Butler and Tom were living? A I don't exactly know, I know they lived on Deer Creek there.
Q Do you know when Mose Hardrick and Jeff Lyons left the community up there? A Yes sir.
Q When did they leave? A Along about '66, along about the fall like.
Q Do you remember about what month, or what time of the year? A Well it was fall of the year, latter part of August somewhere along there.

Q That was in the year 1866? A Yes sir.
Q Where did they go, if you know? A Well they started down here, they said to the Nation.
Q Have you lived in that community almost every since ? A Yes sir.
Q Have they ever been up there since? A I haven't seen them, never saw Mose until yesterday.
Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross? A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. HASTINGS:
Q You are the same man that applied here for citizenship? A Not this court.
Q Yes to this Commission? A When?
Q Well are you? A No I aint applied for anything in this court here.
Q Did you ever apply? A I did in the Wallace court..
Q About four years ago? A No sir, not 4 years ago.
Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
Q Who were your witnesses? A Why old man John Martin.
Q Did you draw money from the Wallace Court? A Didn't get nothing, not five cents.
Q Did you make application to the Kern-Clifton Commission in 1896?
A No sir.
Q Did you live in Iola, in the town of Iola? A Yes sir.
Q Where did Mose live? A On the Lerance place north o town, northwest.
Q I believe you stated that you never made any special note of when they left there? A No sir, I did 't keep no count when they left there.
Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit time run out.
Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I knew it was '66 along in the latter part.
Q Did Butler McNair leave at the same time? A Yes sir, he and Tom Moore.
Q All of them go? A Yes sir.
Q You have never been to the Cherokee nation since? A I have been here several times visiting.
Q You never come in 1866 yourself? A No sir.
Q What was the first time you come here after the war? A Time of the Wallace Court.
Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
Q Did you apply for it? A I went in to enroll and they -----
Q Did you get on? A Yes sir, they said I was on it.
Q Did you get any money? A No sir, they took my name off.
Q You don't know what year that was? A No sir.
Q Are you married? A I have been.
Q What year were you married? A '70.

Q What were you doing up until 1870, you never was married? A What was I doing before I married.
Q Yes, were you working up there? A Yes sir.
Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
Q What year was that? A I was down here last year.
Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
Q Do you remember the exact year you were here? A No sir.
Q You don't know about those dates? A No sir, no learning at all, I am no scholar.
Q Can you sign your name? A No sir.
Q Can't read nor write? A No sir.
Q You are a colored man? A Yes sir, I am colored.
Q You were a slave yourself? A Yes sir.
Q To whom did you belong to? A Lewis Ross.
Q Where is that other Calvin Ross up there? A He lives at Vinita.
Q Did he used to live at Iola? A Yes sir, I suppose he did.
Q Don't you know? A Yes sir.
Q Did Hardrick have some children up there in Kansas? A Yes sir, I think he had some.
Q How many did he have? A I don,t know that. That is something I never paid any attention to, him nor anybody else.
Q Did Butler McNair have any children? A Well I don't knew that.
Q Well did Jeff Lyons have some? A Yes sir, he had some, I recollect a couple of girls; that was his wife's children.
Q What were their names? A One named Peggie and An-na-ki, by a man named Ike.
Q Did Jeff have any children by her? A Yes sir, hehad children by her.
Q Up there? A Yes sir.
Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
Q Don't remember his name? A No sir.
Q Have you lived continuously in Iola ever since? A Yes sir.
Q In the same town? A Right there in town, been nowhere else.
Q Were you in the army? A Yes sir.
Q After you were mustered out you just lived continuously in Iola?
A Yes sir, right there.
Q Is the wife you married in about 1870 living? A Dead.
Q When did she die? A She has been dead about 12 years I b lieve.
Q Do you remember the year she died in? A No sir.
Q You don't remember? A No sir, I don't know anything at all about such things.
Q You don't know anything about dates? A No sir.
Q You don't remember the date she died? A No sir.
Q You are not going to testify about dates? A No sir.
Q You are unlearned and cannot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
Q Did you have some children born to you? A No sir.
Q Never had anychildren at no time? A No sir, never did.
Q You are just testifying now from independent recollection? A What I tell is what I recollect.
Q But you have just said you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
Q And you said you don't knew anything about dates? A Well I know about back in 1866, about that time I know that because that was the second year after I come home from the army.

Q But you don't know what year your wife died? A No sir, I don't know that.
Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between those years, 1866 to 1906? A Well I don't know that that is.
Q Do you know anything occurred in 1866? A I don't know that.
Q Do you know anything occurred in 1886? A I never paid attention to such things.
Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
Q When were you asked to testify in this case? A I was up at Iola.
Q Who come to see you about it? A I don't know the man.
Q Well who was it? A I don't know but he was---I guess you all know him better than I do.
Q Who subpoened you to come down here? A Why it was a Government man, he said he was doing Government business.
Q Did he say he was a Deputy Marshal? A Yes sir.
Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
Q Did he read a subpoenae to you? A No sir, he didn't read anything.
Q Did he say he had one? A He didn't tell me that neither.
Q What was his name,--Parrymore? A I don't know.
Q was that his name? A I never heard the man's name called.
Q But without knowing who it was or anything about him, you come?
A Yes sir, I don't know anything about his name, he never told me his name at all, he told me what day to come.
Q Whatyear is this? A 1906 I believe.
Q Are you certain? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Davis.
Q What is your age? A 51 going on 52.
Q What is your post office? A Vinita.
Q Are you acquainted with the applicant Mose Hardrick? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Did you know Butler McNair in his life time? A Yes sir.
Q Did you know old man Tom Moore? A Yes sir.
Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
Q Where was he when you saw him? A Over there on Spring Creek.
Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime or the first of February.
Q January, 1867? A Yes sir.
Q Where was he? A He was up on the River on the old Dr. Thompson place where Wimer Thompson lives now.
Q What was he doing there? A He was living there.

Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January, 1867? A Yes sir, ever since to my recollection.
Q Never has lived anywhere else? A Not as I know of.
Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
Q In the Dr. Thompson house? A Yes sir, in that house.
Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there, working there.
Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:
Q How old are you now? A 51 years old, going on 52.
Q You were just a boy then? A Yes sir.
Q How old were you then? A I suppose I was, I don't know, about 11 years old, 10 or 11.
Q You were a slave yourself before the war? A Yes sir.
Q What is your wife's name? A Belle Davis.
Q What was her maiden name? A Belle Bains.
Q Is she an applicant for citizenship? A She was born and raised in Texas.
Q Is she an applicant for Freedman citizenship? A No sir, she is an intermarried, she is a State woman.
Q Were you ever married before? A No sir, this is the first one I ever married in my life.
Q Where were you living in 1866? A Well sir I was living at two different place. I was living up there on Grand River, there is where I settled, I moved from Fort Gibson up there.
Q When did you go from Fort Gibson? A Sometime in the summer.
Q On whose place? A Our own place.
Q Who was with you? A My Uncle.
Q Who was he? A William Tucker.
Q Who made a crop on the Len Lynch place in 1867? A Well I don't know about that.
Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
Q Did Jeff Lyons have any children with him when you saw him? A Well I don't recollect, there were somechildren, I think he did though.
Q Did Mose Hardrick have any? A Yes sir.
Q How many? A I don't recollect, had several of them,--Jeff Lyons, lets see--
Q I am asking about Mose now? A Well he has had so many children I don't recollect.
Q Well at that time? A Yes sir, I think he did.
Q Now what children did he have? A I know of one, Eliza.
Q Did he have any others? A Yes sir, two or three more there.
Q What were their names? A I don't recollect--there was Josiah.
Q He had him there when you first saw him? A No sir, he didn't have him then.
Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
Q What was the next one? A Well I don't recollect, he had several children.

Q How many did he have? A I said I don't know.
Q Don't recollect that? A No sir.
Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
Q You can't tell about that? A No sir, had two or three, 3 or 4, there were lots of children there.
Q You were only a boy yourself, you would have known children? A Yes sir, that is how come me to know them, I played with them.
Q Was Butler McNair there at that time? A Well I don't recollect, ot has been so long, I can't recollect all of them.
Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
Q You didn't belong to the same people these people did before the war? A No sir, but I knowed them.
Q You were only 5 or 6 years old during the war? A Yes sir.
Q You were born in 1854 or 1856 ? A Born the 27th of March, 1855.
Q Was Tom Moore at this Thompson place? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What washer name? A I don't recollect.
Q Was she there? A I don't recollect.
Q You cannot recollect, it has been so long ago? A No sir.
Q Where did you live in 1867? A On Spring Creek.
Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
Q Where did you live in 1869? A On Cabin.
Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Called it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
Q Were you down there in 1868? A Yes sir, I think I ~~xx~~ was there in 1868, come around by there.
Q Who cultiavated that place that year? A I don't recollect.
Q Do you know who cultiavted it in 1870? A No sir.
Q Do you know who cultivated the Bob Daniels place in 1868? A No sir.
Q Do you know who cultivated the Lynch place in 1868? A Which one of the Lynch's places.
Q Lon Lynch place, belonged to his father? A No sir, I don't. You see I didn't live up there with them people at all.
Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with them.
Q Are you certain you saw Butler McNair up there at that time?
A Yes sir,--well I wont be positive.
Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I wont be positive about Butler McNair.
Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
Q Now lets commence again, what children did Moss Hardrick have up there at that time? A I knew he had Eliza.
Q The others? A It seems he had a girl, I forget, I knew he had two or three.
Q Nels Moore living there at that time? A Yes sir.
Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
Q What others lived there, now named them all? A I have named all I recollect of.

Q Now lets go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn,t be positive to state but all of them people were living in that house.
Q It is a long time to testify about? A Yes sir.
Q And you don,t want to be positive about that? A Yes sir, I am positive I saw Uncle Mose Hardrick there because I knew him so well.
Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
Q Well who else A I seen Aunt Sallie Lyons.
Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, ther was a whole lot of them there, that was Mike Moore's mother.
Q What was her name? A I think it was Aunt Salie.
Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
Q His mother was named Sarah? A Not Sarah, I think it was Salie, it has been so long I forget,.----No Mahala that was it.
Q Who told you? A I just happened to think of it.
Q You just heard one of those boys back there say it, didn't you?
A No sir, but that was her name.
Q She was living there then? A Yes sir.
Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
Q You are ready to testify about them? A Yes sir, you too.
Q But you are not ready to testify what children Mose had? A Yes sir, I can testify to that.
Q Give them here? A I cannot give them all.
Q Then you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
Q Did he have any others? A Yes sir, two or three more.
Q What were their names? A I don't recollect it,---there was Cy.
Q He was there at that time? A I don't recollect whether Cy was then there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the eldest.
Q What I am trying to get at, you say Mose had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January, 1867?
A I don't recollect the names.
Q But you know he had them? A Yes sir, I know he had them.
Q Was he living up stairs or down stairs? A I don,t recollect that.
Q Do you remember who was living up stairs? A No sir.
Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
Q You don,t know who was living there on the Bob Daniels place at that time? A No sir.
Q You don't know who was living there on the Lynch place, Len Lynch's father? A No sir, I didn't live up in that country.
Q You don't know who lived on the Johnson Thompson place? A No sir, I don,t, it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
Q What year did Johnson Thompson come back there? A I don,t know, I couldn't tell you that.
Q you couldn't say that? A No sir.
Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.

Q When did you know of his living there,--lots of time you knew of a man living there but not personally acquainted with him? A Well I would know,--I knew he was living there along in '70.
Q That was the first time you ever saw him there, that is what I am asking you? A I don't recollect.
Q You don't recollect that? A No sir.
Q How far is the Johnson Thompson place from the Dr. Thompson place?
A Well I don't know that, it isn't very far though.
Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the River and the Johnson Thompson place on the other.
Q What side of the river is Dr. Thompson place? A On the east side.
Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
Q And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER:
Q Are you related to Mose Hardrick? A None at all sir.
Q Are you related to Jeff and Mahala Lyons? A No sir.
Q Mike Moore? A No sir.
Q How far did you live from them before the war, Mose Hardrick?
A It was, I expect 45 miles.
Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time that I seen Uncle Mose.
Q Where was it? A He was up there at our place.
Q Do you remember what year it was? A Yes sir, I think I do.
Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
Q He was at your place? A Yes sir.
Q Was any one there with him? A Yes sir, several of them.
Q Name them? A Lets see, therewas him and Unlce Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
Q What were they doing there? A Well I don't recollect.
Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Unle Mose used to come up there to see my sister.
Q Do you remember him being at your place before that time? A Yes sir.
Q Can you name another time he was there before this? A Yes sir, I can recollect him ever since I have been big enough to recollect.
Q The last time you remember seeing him before the war was in 1860?
A Yes sir, somewhere along there, '59 or '60, about the time the war commenced.
Q Do you know where he went from yourplace? A No sir, guess he went back home.
Q Did you see him any more until you say you saw him in January, 1867? A Yes sir.
Q When? A I seen him sometime along in December of 1866.
Q Did you see any other freedmen up there about that time? A Yes sir.
Q Name them? A Well I cannot name all. There was several of us.
Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Musgrove and our family and Uncle Mose Musgrove.
Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
Q You were how old then? A About 10 or 11 years.
Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime just before Christmas.

Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.
Q Could you read and write at that time? A No, sir.

BY MR. STARR:
Q About this Bob Daniels place, how many Daniels places were they around that country? A I don't know, I aint very well acquainted with the Daniels place.
Q Were you very well acquainted with this Lon Lynch place in 1867?
A No sir, I wasn't around there very much at that time. 15 or 16 miles from there.

BY MR. HASTINGS:
Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
Q You don't have any idea about that? A No sir, I couldn't say. I didn't live within 40 milesof him.
Q You don't know whether he had a wife before the war or not? A Don't know whether he married beforethe war or during the war. Sometimes the darkies didn't marry in this country.

W I T N E S S E X C U S E D .

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name?. A William Bird.
Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness, William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18; that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Department letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearings are not required previous to the introduction of such witnesses.

On Behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case, dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing ~~him~~ at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in additon to the witnesses whox signed affidavits filed with the motion to reopen the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the ames and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., In view of the advise to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A Jennie Downing.
Q How old are you? A About 54 years old.
Q What is your post office address? A Catale.
Q Where were you living in the latter part of the year 1866? A The latter part.
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
Q Are you a duly enrolled Cherokee freedman? A Yes sir.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A Returned back here in 1866.
Q Who did you come back with? A With Andy Frye, my Uncle.
Q How were you acquainted with Mose Hardrick before the war? A No sir.
Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.
Q Which side of the Grand River is that place on? A It is on the east side.
Q Did you know Jeff Lyon about that time? A Yes sir.
Q When was the first time you saw Jeff Lyons after the war? A At the same place.
Q About what time was that? A It was in the winter time.
Q Of what year? A 1866.
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
Q That is when you saw Jeff Lyons? A Yes sir.
Q And did he move over on that Thompson place? A Yes sir.
Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

Q How long after Jeff Lyons moved on that place did Mose Hardrick move there? A I don't know.
Q Was it a long time or short time? A It wasn't so very long after he came I don't suppose. I would not be positive just how long.
Q Did you know Mike Moore? A Yes sir.
Q Did you knew Cynthia Lynch? A Yes sir.
Q Did they have a school anywhere in that neighborhood about that time? A Yes sir.
Q Where did they have that school? A At old Jo nson Thompson's place.
Q Who taught it? A Cynthia Lynch.
Q What time? A In the spring.
Q Do you know about when that school started? A No sir, it was in the spring.
Q Did Mike Moore go to that school? A Yes sir.
Q Did you? A Yes sir.
Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, Mike went there then.
Q And that was when? A That was in the spring.
Q Of what year? A '67 or '66, '67 I think it was.
Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
Q When was that? A In March.
Q Of what year? A '67. They dismissed school for us allto go and attend the funeral.
Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
Q Who dug that grave, do you knew or not? A Uncle Jeff Lyon and Lewis Rowe.

BY MR. HASTINGS:
Q Mose Hardrick ever lose any other children? A Any of his children.
Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
Q After that? A Just before or after that.
Q What year did the other one die? A I don,t know.
Q Don't have any idea about that? A No sir, I don't know.
Q You don't know whether it was one year before, or two years after?
A No sir, I don't.
Q It may have been 5 years afterwards? A I couldn't tell.
Q You have got no idea about that? A No sir.
Q You had no education before this, you couldn't read adn write at this time? A No sir.
Q You would not like to be positive about this like that? A No sir.
Q Did Mose Hardrick lose any children? A Not that I knew of.
Q Did Jeff Lyons ever lose any? A Not that I knew of.
Q Did Nels Moore ever lose any? A Not that I knew of.
Q Did anybody else in that country ever lose any? A Not at that time you speak of.
Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children to die?
A They had some to die.
Q Who? A I don't know, Mose Hardrick might have lost some too.

Q Well how long afterwards? A I couldn't tell you.
Q Don't you know the date yose lost his children? A No sir, I don't.
Q But they were after that time? A Yes sir, I suppose they were.
Q Well how long did you live there in that neighborhood after that?
A Why we moved away from there, we didn't live so long awhile before we moved away.
Q About how many years? A I guess it was a year, or it may have been a little longer.
Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
Q Probably two years? A Yes sir, before we moved away from there.
Q How far did you move from there? A I don:t know.
Q In the same neighborhood? A No sir, we moved on the Pilmore Hicks place.
Q How far from this Thompson place? A I don,t know just how far.
Q About 5 or 6 miles? A Yes sir, I guess it was.
Q Do you know what year you moved down there? A No sir, I don't.
Q How long did you live down there? A About two seasons.
Q Do you know what year you left down there? A No sir.
Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
Q Were you married afterwards or were you married at that time?
A Married afterwards.
Q What year were you married? A I was married in, I would not be positive, I was married in '74.
Q You would not be positive about that? A I think it was.
Q Do you know what year they made the Wallace Roll? A If I mistake not I think itwas in '95 or '96, something like that.
Q That is when they made the Wallace Roll? A I think it was.
Q Now when did they make the Kern-Clifton roll? A I disremember, I wont be positive about that.
Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
Q You don:t recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
Q In that same year of 1880? A I think they paid eff money that year.
Q What time of the year? A I don:t remember.
Q You don't recollect it? A No sir.
Q Don:t know whether it was spring, fall, summer or winter? A No sir.
Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
Q Don:t you have any idea? A No sir.
Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
Q He was afterwards a merchant up t ere? A He was?
Q Wasn't he? A I suppose so.
Q Don't you know that? A They say he was a merchant.
Q Didn't you never see him? A I saw him at a distance but never went to his store.
Q Didn,t you never know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
Q How far were those two placed apart? A They are not very far apart, the river is between them.

Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
Q Don't have the slightest idea about it? A I could have a slight idea but that would not do me any good to tell it.
Q What is your judgment about it? A I don't know, I couldn't tell you.
Q You have got no judgment at all about it? A When he returned?
Q Yes? A No sir, I have seen him.
Q How did Mose come down there? A I couldn,t tell you.
Q You don't have any idea? A No sir.
Q Did he have a wife? A Not when I saw him.
Q Well how many years afterwards before he brought his wife? A I coudln,t tell you.
Q As much as 3 or 4? A I don,t know.
Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
Q How many years after that before you saw his wife and family?
A I guess probably a month, or two or three months when I saw his family.
Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
Q When did you leae the Dr. Thompson place A I don't know.
Q How long after Christmas? A Quite awhile.
Q Two or three months? A Icouldn't tell just when it was we left that place.
Q What is your best judgment about the time you left there? A Well I don,t know, you see we went to school there.
Q There on the Thompson place? A Yes sir.
Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
Q And you yet hadn,t seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
Q That was after you left the Thompson place? A Yes sir.
Q Then that was after March? A I suppose so, when I saw his wife.
Q Then he didn,t have any wife there when you first saw him? A No sir, I saw him personally.
Q Anybody else with him? A Nobody with him when I saw him.
Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
Q Where did he come from? A Come from across the river when he come there.
Q He wasn't living in that house? A No sir, not the first time.
Q He wasn't living thereuntil after you left? A After we left he moved there.
Q Anyhow up until the time you left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house?
A No sir, he wasn't there when I left, I suppose he moved in after we left.
Q Well you never saw Jeff Lyons there at all? A Yes sir.
Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
Q Did he have his wife? A Yes sir.
Q The first time you saw him? A Yes sir.
Q Where were they living? A Right there on the same place.
Q On the Thompson place? A Yes sir.
Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
Q That was Jeff? A Yes sir.
Q What was Jeff's wife's name? A Patience.
Q [illegible]

Q That was Jeff Lyons' wife? A Mahala I mean.
Q Now you say it was Mahala, you see her? A Yes sir.
Q Did you see Butler McNair there? A No sir.
Q You didn't see Tom Moore? A No sir.
Q They never come there while you were at the Thompson place? A No sir.
Q Now if I recollect right, you lived there at the Thompson place until after they started school there, and then afterwards moved down on the Downing place? A No sir, I didn,t move down there, just went down there to stay a week or two with my aunt.
Q You don,t know where Rose come from when he come there? A No sir, I don,t.

ON BEHALF OF THE COMMISSIONER:
Q How old are you? A I am 54 years old.
Q Your post office Catale? A Yes sir.
Q Are you a Cherokee freedman? A Yes sir.
Q Have you got any children? A Yes sir.
Q What are their names? A Louvina Downing, Henry, walter, Maggie and Lydia.
Q Are they enrolled with you? A Yes sir.
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.
Q Is your husband 's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

W I T N E S S E X C U S E D .

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Bean.
Q What is your age? A 60.
Q What is your post office address? A Chaffee.
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know his wife,Jeff's wife? A Yes sir.
Q Where were you in the year 1866? A I was down here.
Q Down where? A Down here in the Nation.
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.
Q You were in the Horse Creek fight? A Yes sir.
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight. as well as I remember.
Q Where was he then? A He was there on Grand River.
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.
Q How long after the Horse Creek fight was it when you saw them?
A I don't just remember how long it was, a month of such a matter, maybe have been longer.
Q It may have been a month or six weeks after the Horse Creek fight?
A Yes sir.

BY MR. HASTINGS:
Q Where did you see them? A At the Dr. Thompson place.
Q They were living there with their wives? A No sir, I didn't see their wives.
Q Didn't have their wives? A Not over there.
Q How long did you stay there? A Just a very short while, about two or three hours.
Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
Q No? A I am positive it was the same time right after the Horse Creek fight.
Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know just the date when it was.
Q You were a slave? A Yes sir.
Q You couldn't read and write at that time? A No sir.
Q You didn't have any education at all? A No sir.
Q How many years afterwards before you saw Moses wife, as many as two xx or three years? A No sir.
Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about -----
Q As early as October? A Yes sir.
Q Well it was [illegible] before it got cold weather?
A Yes sir, when I first seed Mose.
Q The leaves were not dead on the trees then? A About, just about the first frost.
Q But you didn't see moses' wife? A No sir, xxx not at that time.
Q Was he living there at that time? A Don't know as he had, I don't think he was.
Q You don't think his family was there? A No sir, I don't know as it was.
Q Did you know Mose before the war? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
Q You didn't see Jeff Lyons' wife? A No sir.
Q Make any inquiries about her? A No sir.
Q Did you know her before the war? A Yes sir.
Q What year was the wallace roll made? A I don't just remember.
Q You are not good on dates anyway? A No sir, I aint good on remembering , picking up everything.
Q Old slaves don't remember these dates very well? A Old slaves remember one thing in this country, about when '66 was.
Q You all remember 1866? A I do.
Q You all know you have got to testify to as to 1866? A Yes sir.
Q And that has been talked to you for 10 or 15 years? A Yes sir.
Q It was talked to you when the Wallace roll was made? A Yes sir, beofore that.
Q What year were you married? A I don't remember, never kept no record of it.
Q Have you got any children? A Yes sir.
Q Do you know what year the first one was born? A No sir.
Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
Q You don't know when your second child was born do you? A No sir, I don't remember.
Q How many did you have Joe? A I believe I have got 14.
Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
Q So you don't know about any of the dates of their birth? A I don't remember.
Q Did you ever lose any children? A Yes sir.
Q Was it your eldest one? A No sir.

Q You don't remember what year it died, do you? A No sir.
Q Did you lose more than one? A Yes sir.
Q How many have you lost Joe? A 8.
Q You have lost 8? A Yes sir.
Q You don't mean you have got 14 living? A No sir.
Q Had 14 all together and have lost 8? A Yes sir.
Q Do you know the year any one of them died? A No sir.
Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to keep track of '66.
Q That is all you kept track of? A That is all I tried to keep track of.
Q Who come to you and talked to you about testifying in this case? A Nobody.
Q Nobody never talked to you at all as to what you would testify?
A I don't remember any person.
Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
Q Well now you are positive about that? A No sir, I aint positive about it.

Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mose, I believe it was Mose asked me if I would testify in his case.
Q When did you see Mose, yesterday? A I saw him yesterday and I saw him sooner.
Q When did he first talk to you about testifying in this case?
A It has been about two months ago.
Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
Q And you don't remember how long it was after you first saw Mose before you saw his wife? A No sir, I don't remember how long it was.
Q May have been two or three years? A No sir, it wasn't that long.
Q May have been a year? A I don't think it was that long.
Q You are not going to be positive about that? A No sir, I wont be positive.
Q How long was it before you saw Jeff's wife after you saw Jeff?
A Saw them about the same time.
Q The two women? A Yes sir.
Q Did they have any children then when you first saw them? A Yes sir.
Q Now what children did Mose have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
Q Did Jeff have any children? A Yes sir.
Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
Q How far did you live from the Dr. Thompson place? A 8 miles.
Q Were you ever up there after October? A Yes sir.
Q When was the next time you were up there? A It was,--I don't know, I wasn't up there any more until the next spring. Along in the spring I went up again.
Q March, April or May? A Yes sir, it was inMay, I think as well as I remember. Corn was up pretty good.
Q Do you know this woman who left the stand, Jennie Deming? A Yes sir.
Q Did you see her there when you were there the first time? A I don't remember.
Q Did you see Nelly [illegible] Moore? A I don't remember seeing him.

Q Did you see Tom Moore? A I don't remember.
Q Did you see Butler McNair? A No sir.
Q On whose place did you live 8 miles south? A I stayed on Crap Lynch's place.
Q Was Crap down there at that time? A Yes sir, he was on the old---
Q Arsenic place? A No sir, it is the old Landrum place. Charles Landrum.
Q Did you know Johnson Thompson? A Yes sir.
Q Was he living up there just across the river from this Fr.Thompson place? A I didn't see him.
Q Did you see him the next spring? A No sir.

BY MR. STARR:
Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.
Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:
Q Have you ever testified in this case before? A No sir.
Q How far do you live from Moss Hardrick now? A 40 miles I reckon.
Q Have you lived that distance from him for the last 5 years?
A Yes sir.
Q Have you seen him frequently during that time? A Yes sir, I have seen him.
Q Did you see him a number of times when the Commission was making the Cherokee roll out in camp? A Yes sir.
Q Did he ever say anything to you at that time about getting you to testify for him? A No sir.

W I T N E S S E X C U S E D .

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Zep Downing.
Q About how old are you? A About 56 years old.
Q What is your post office address? A Catale.
Q Where were you living in the winter of 1866? A I was living on Grand River.
Q Were you acquainted with Moss Hardrick before the war? A Yes sir.
Q Did you know Jeff Lyons before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q And Tom Moore? A Yes sir.
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.

Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
Q Was that February 1866 or February 1867?A A It was February, '66 is what I understa d.
Q Where did you see him? A I saw him up there at the Thompson place.
Q What Thompson place? A Dr. Thompson place.
Q Did you ever go to school there? A Yes sir, I went to school there.
Q Do you remember whether or not Mike Moore went to school there w en you did? A Yes sir.
Q When was that school going on there? A Something along near that t me or little after, along about that time.
Q About what t me? A February or March, something along there.
Q Now that was February or March of what year? A '66, that is as near as I can come at it.
Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
Q ~~Was he living there or how~~ did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
Q When was the first time you saw Mose Hardrick? A It was sometime shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been along in the latter part of that month, but it was shortly afterwards, it was in the winter.
Q Were they moving in there or living there? A They were moving in.
Q Do you know where they were moving in? A They were coming from across the river.
Q You say that that was in February, or about February I believe, 1866? A Yes sir.
Q Did that follow the year 1865 or was it ,--I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
Q That followed then the Christmas of 1865? A Yes sir.
Q That followed the fall of 1865 ? A Yes sir.

BY MR. HASTINGS:
Q Can you read and write? A No sir.
Q Never could read? A No sir.
Q You were a slave yourself? A Yes sir.
Q Did you know Jennie Downing, who was on thestand? A Yes sir.
Q She is your wife? A Yes sir
Q Where were you living at the time you say you saw Jeff Lyons first?
A I wasliving down in the bottom below old Dr. Thompson place.
Q How far? A About 3 miles.
Q Did you see Andy Frye up there at that time? A Yes sir.
Q Did you see Nels Moore up there? A Yes sir.
Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is Jennie your wife now? A Yes sir.
Q Do you live together? A Yes sir.

BY MR. PATTEN:
Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

Q Now which was it? A Which?
Q When did you move on that Thompson place or in that neighborhood, where you were living? A In '65.
Q What time of the year? A Along in the fall. My father was already living there.
Q Were you out of the Cherokee nation during the war? A Yes sir.
Q You are certain that that was February, 1866, and not February, 1867? A It was February, '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Thomas H. Moore.
Q What is your age? A 55.
Q What is your post office? A Ketchum, I. T.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.
Q Where were they located? A One is on the south side of Grand River and the other on the northwest side of Grand River.
Q Do you know where the Dr. Thompson place is located? A Yes sir.
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.
Q Now where is the other one? A I would call it on the north side the way the river runs.
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.
Q Did you see Jeff Lyons any time after the close of the Civil war?
A Yes sir.
Q Where did you see him? A At the Dr. Thompson place.
Q When was that? A In the winter of '66.
Q What time in the winter? A Sometime along after Christmas.
Q How long after Christmas? A A short time.
Q Well about what month was it? A About in January I reckon.
Q Where was he then? A He was up at this Thompson place.
Q Did you see Mose Hardrick? A Yes sir.
Q When was that? A He lived at that Thompson place too.
Q What place did he live on? A He lived on the same place.
Q That is on Dr. Thompson's place? A Yes sir.
Q When was it you saw him there? A It was along that same spring and winter.
Q What kind of a house was there on that Dr. Thompson place? A Brick house.
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.
Q Who else? A Mose Hardrick lived in one.
Q Who else? A Jeff Lyons lived there.
Q Any one else? A Tobe Scrimsher.
Q Who else? A Peter Williams.
Q Butler McNair there? A Yes sir, and Uncle Sam lived there.
Q What time was it that Andy Frye went into that house? A In the fall.

Q Of what year? A '66.
Q He lived there that winter did he? A Yes sir.
Q Now was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
Q Was there any school taught there? A Yes sir.
Q Who was the teacher? A Mrs. Lynch now, she was----
Q What is her first name? A Cynthia Lynch.
Q Did you go to that school? A Yes sir.
Q Do you remember Mike Moore, whether he went to that school or not?
A Yes sir.
Q When did he go to that school? A That spring of '67 as near as I can remember.
Q Did he go all of the session? A Yes sir.
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.
Q When did you see Butler McNair around there? A That was sometime in the early part of that same spring, they were farming there, all making crops there.
Q Did Butler McNair have his wife with him when he come down here?
A No sir, I don't think he did.
Q When did she come? A I don't know.
Q Did you ever see her? A Yes sir.
Q When? A Why later, after that.
Q Good while afterwards? A Yes sir.
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
Q When did she come? A I think the next fall after he made a crop.
Q Did he go back to Kansas and get her? A Yes sir.
Q Where did Butler McNair move when he left the Dr. Thompson place?
A Down the river some place to the old home place where he used to live.
Q Where did Tom Moore go to from there? A Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:
Q What year were you born? A 1851.
Q You was just a boy then at the close of the war? A Yes sir.
Q You were a slave were you? A Yes sir.
Q Could you read and write when the war closed? A I couldn't very much, have learned a little since then.
Q I said when the war closed? A No sir.
Q Did Andy Frye have any children to die besides Harvey? A I don't know.
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.
Q How long after Harvey died? A I don't know.
Q Two years or 10? A I don't know.
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
Q Do you know who dug the grave? A I wasn't there. I was at the burying.
Q At the other children? A I was at the burying when they buried Joe.
Q Was he a girl or boy? A He was a man.
Q Do you know when he died? A I don't know the year?
Q But you were at his burial? A Yes sir.
Q You were there in the neighborhood when he died? A Have been there all my life.
Q You don't know who dug that grave? A The neighborhood dug it there no certain person.

Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
Q What were their names? A Got one dead named Winnie.
Q Now who dug these graves for Mose Hardrick's children? A Why all the neighborhood, the men around there.
Q You don't know who did it? A Just all of us.
Q No particular one? A No sir, a whole lot of us.
Q What year was it? A Somewhere away back yonder in them days.
Q Can you come in 10 years of when either of them died?
A This girl when she died she was about grown, and I guess it has been about that long since she died.
Q It has been about that long? A May be longer, I don't know.
Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
Q Didn't keep any record of these dates? A No sir.
Q Are you related to Mose Hardrick? A No sir.
Q Are you related to Jeff Lyons? A No sir.
Q Are you related to these Moore children? A Yes sir.
Q Do you know Mike Moore? A Yes sir.
Q What kin is he to you? A Yes sir.
Q You knew his mother Mahala? A Yes sir.
Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
Q Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
Q What is your best judgment? A About 8, maybe 10.
Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
Q You don't know what year he was born? A No sir.
Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
Q What place did you come to? A Stopped at Johnson Thompson place.
Q How long did you stay there? A About four weeks.
Q Then where did you go? A Moved across the river to the Bob Daniels place.
Q Was that across the river? A Yes sir, on the south side of the river.
Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
Q Where did you come to from there ,? A For t Gibson.
Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
Q Stayed there from thewinter of 1866 until the spring of 1867?
A Stayed there until the spring of '66, until the winter of '66 to the spring, then we moved back.
Q Then you remained in Fort Gibson until the spring of '66?
A No sir, we were up-------
Q How long did you remain in Fort Gibson? A Stayed there,--We remained there a couple of months maybe a little longer, I don't know.
Q Well what time did you go there? A Went there that winter. winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
Q To the Bob Daniels place? A Yes sir.
Q Which Bob Daniels place did you move to? A The one on the east side of the river.
Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
Q Did you make a crop there in the spring of 1866? A Yes sir.
Q Where were you in the spring of 1867? A There on this same place.
Q Did you make a crop there in the spring of 1867? A Yes sir.
Q When did Bob Daniels come back? A In the fall of '66.
Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
Q About what month? A I don't know what month.
Q What was Bob Daniels' wife's name? A Ann Daniels.
Q Did he have any children? A Yes sir.
Q What were their names ? A One, Dick, Tommy, Isaac.
Q Mrs. Strout one of them? A Yes sir.
Q She was up there when you moved out? A Yes sir, and Susie was one of them.
Q They moved in there in the fall of 1866 when you moved out?
A Yes sir.
Q About what month was that? A It was in the fall.
Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
Q What time was it Jeff come there? A In the winter.
Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and thes others?
A They were all living there.
Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
Q Well now you moved out of the Bob Daniel house in the fall of 1866? A As near as I remember.
Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
Q Then you saw Jeff Lyons and his wife and Mike about Christman's time of that winter, is that it? A Yes sir.
Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place ? A Yes sir, a little bit of a house.
Q A log house or cabin? A Yes sir.
Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
Q When you saw Jeff and his wife and Mose Hardrick and Mose's wife, is that they way of it, along about Christmas time? A They all lived there before that.
Q Haven't you swore that you never saw them until the winter? A Saw them the winter of '66 .
Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
Q Now don't the fall come before winter? A Yes sir.
Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that: Them people were all living there before we moved out.
Q You moved out of the house in the fall of 1866? A Yes sir.
Q You are a half brother of Mike, are you? A Yes sir.
Q Are you any kin to Nels? A Yes sir.

Q Have you and Nels been discussing the case? A No sir.
Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
Q Were you not? A I don't know.
Q Do you deny talking about it? A No sir, might have been talking about something else.
Q This same man Nels is a witness here? A Yes sir.
Q You have talked about it? A Yes sir.
Q You and Andy Frye have talked about it? A Yes sir.
Q Are you married? A Yes sir.
Q Certain of that? A Yes sir.
Q I am glad you are certain of something. What year were you married? A Married in '91.
Q Was that the first time you were ever married? A Yes sir.
Q Then you lived single up until that time? A Yes sir.
Q Just went from place to place up there? A No sir.
Q Do you know when the Wallace roll was made? A Yes sir.
Q What year? A Made in 1889.
Q Who told you? A I was there.
Q Did Cale Starr tell you today? A No sir, I was there.
Q Has he ever told you? A Has he?
Q Yes, in the last few days? A No sir, he didn't tell me.
Q Has it ever been discussed? A No sir, I don't know nothing about it.
Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
Q Then where did you go? A Right where we have been living ever since.
Q How far is that from them? A About three miles.
Q What direction? A Why it is northeast.
Q What time did you move up there, what time of the year? A We moved up there in the ~~xx~~ spring.
Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
Q It is a long time ago aint it Tom? A Yes sir.
Q You were a small boy at that time? A Yes sir.
Q You had no reason to fix these things on your mind and you didn't know you weregoing to testify about 40 years afterwards? A No sir.
Q So you might be mistaken about it? A Yes sir.

BY MR. STARR:
Q When did you say you were born? A '51.
Q You were about 15 years old at that time? A Yes sir.
Q Now was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall--
Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
Q Where were you living when Harvey Frye died? A Living where I live now.

Q Well now at this time that Harvey Frye died were you going to school at this Dr. Thompson place? A Yes sir.
Q Was Andy Frye and his family living in the Dr. Thompson house then? A Yes sir.
Q How about the school when Harvey died, did they teach school that day? A No sir.
Q Tufned out school on that occasion? A Yes sir.
Q Did the pupils going to school attend the funeral? A Yes sir.
Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On Behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to mk school.

BY MR. HASTINGS:
Q That was after you moved off of the Bob Daniesl place? A Yes sir.
Q And that was after Bob Daniesl had moved into the same house you moved out of? A Yes sir.
Q About how long after that? A It was along in February, that spring, the spring of '67
Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir .
Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:
Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows;

BY MR. PATTEN:
Q What i s your name? A Simon Lynch.
Q How old are you? A 76.
Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:
Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
Q Convicted? A Yes sir.
Q Served your time? A No sir, I didn't.
Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprieved.
Q Didn,t you work it out for individuals and you worked for Johnson Thompson at Tahlequah? A I was reprieved by the Chief.
Q Did you ever swear that before on the stand? A No sir, but I was.
Q What year was that? A I don't know what year it was.
Q Was it since the war? A Yes sir.
Q How long after the war? A I don,t knew.
Q Don't have any idea? A No sir.
Q Was it after the Cherokee Jail was built or before? A Afterwards.
Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
Q How long were you sentenced down there? A Year
Q What Judge tried you? A I forget what one it was.
Q What Chief reprieved you? A Ochelata.

BY MR. PATTEN:
Q You testified I believe didn't you in the Mayfield that you were pardoned by Ochelata? A Yes sir.
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q Jeff Lyons? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know k when was the first time you saw Mose Hardrick after the close of thewar, about the time? A I don,t know exactly the time.
Q When was it and where was it? A Upon Grand River.
Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
Q Where was he living? A Living over there at Dr. Thompson place right close there in a house.
Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
Q That was about when did you say? A Just awhile before Christmas.
Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that ondifferent sides of the River? A Yes sir.
Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:
Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
Q You don't knew what year you were reprieved? A No sir, I don't I can't keep no record of that, never did, couldn't.
Q Couldn't do that? A No sir.
Q You don,t know one year from another, do you? A Yes sir, I do.
Q Can you read and write? A No sir.
Q You were a slave yourself? A Yes sir, I was.
Q Do you know this Tom Moore that was on the stand awhile ago?
A Yes sir.
Q Where was he living when you saw Jeff Lyons? A He was liting at the Bob Daniels place thereon the river with his mother and father.
Q Did he move out of there in the fall of 1866? A Who?
Q Tom Moore? A I don't just know when he did move out of there.
Q You don't remember about that? A No sir, I lived atanother place.
Q How far did you live from there? A About four miles.
Q Were you married then? A Yes sir.
Q Have you had any children born since? A Yes sir.
Q Since then? A Yes sir. A
Q When was the first one born A I don,t knew that.
Q How many have you had born since the war? A Three I believe.
Q When was the second one born? A I don't know, I can't tell you.
Q When was the third one born? A I don't know that either, never kept norecord of no time.

Q. Did you ever have any renters on your place? A Yes sir.
Q What renter was on there in 1883? A I don't know.
Q What renter was on there in 1876? A Nare one, myself.
Q Was any there in 1896? A Yes sir.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A I don't know when it was, I know he come back up there.
Q On the Bob Daniels place? A Yes sir.
Q Why don't you know when it was, you were in that neighborhood?
A I can't keep no record of anything of that kind. How it I knew how old I am is about my owners putting it down.
Q That is about the only date you know? A No sir.
Q You know what year Johnson Thompson come back up there? A I know when he first come.
Q What uear did he move up there? A Idon't know, I seen him when he first come.
Q What year did he move his family up there? A I don't know.
Q You were just acquainted with him before the war ? A Yes sir, knowed him good.
Q He moved right across the river from Dr. Thompson's place? A Yes sir.
Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
Q Could you tell within two or three years of when he come? A No sir, I don't believe I could.
Q You couldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.
Q What year was it that Tom Moore moved off the Bob Daniels place?
A I don,t know.
Q Haven't any idea about that? A No sir.
Q Well was Butler McNair living there at the same time you first saw these people? A He come in about the same time.
Q Before Christmas, 1866? A Yes sir.
Q What was Butler's wife's name? A He didn't bring her there with him, he left her in Kansas and come down here and made a crop.
Q What was her name? A I forget her name.
Q Did Jeff bring his wife? A No sir.
Q Left her in Kansas did he? A Yes sir.
Q Left Mike in Kansas too? A I don't recollect about Mike.
Q You don't never remember seeing Mike? A Yes sir, I do.
Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
Q Well how long after Jeff and Mose come before they brought their families? A After they made a crop, the next fall.
Q When did Tom Moore bring his family? A Fetched them together.
Q In the fall? A Yes sir.
Q So none of them didn't bring their families until the next fall?
A Uncle Butler didn't, the balance did.
Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn't bring their families.
Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
Q What was her name? A Mahala.
Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
Q Did you ever see him after that? A Yes sir.
Q How long after that? A I don,t recollect.

Q A year? A It might have been a year and it might not.
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.
Q Did he have his wife with him? A Yes sir.
Q Did Mose live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.
Q He never lived in a main house there? A I don't know nothing about that.

W I T N E S S E X C U S E D .

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Tobe Bean.
Q What is your age? A About 70.
Q What is your post office? A Ketchum.
Q What is your citizenship, are you a citizen of the Cherokee Nation
A Yes sir.
Q Where were you in the fall of 1866? A Down here on Grand River.
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Acquainted with Mose Hardrick? A Yes sir.
Q Did you know Mike Moore ? A Yes sir.
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil War? A About in '67.
Q What time? A In February.
Q Where was he at that time? A Over there at that Thompson place in the brick house.
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn,t see her at that time.
Q Did you see Mose Hardrick over there? A Yes sir.
Q When was that? A The same time I saw Jeff.
Q What time was that? A In February.
Q What part of February? A Along about the first of the year.
Q The first of February of 1867? A Yes sir
BY MR. HASTINGS:
Q Tobe you were a slave before the war? A Yes sir.
Q Your name is Tobias Bean? A Yes sir.
Q You never went to school any? A No sir.
Q You didn't at the close of the war know one year from another?
A Only people would tell me.
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
Q Never kept any record? A No sir.
Q And you haven't kept any record of this transaction? A No sir.
Q You are just testifying independently of any record? A Just what I know.
Q Did you know young Tom Moore who has testified in here today?
A Yes sir.
Q Where was he living when you first saw Jeff Lyons and his wife?
A Over there on the other side of the river.
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
Q On the Dr. Thompson place? A Yes sir.
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.

Q Where did you see Tom Moore, this fellow that testified? A He was there in the nieghborhood somewhere.
Q Atwhat place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
Q What was his step-father's name? A Lewis Rowe.
Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
Q When was that? A Must have been in '67
Q What time of the year? A Along in the spring I guess.
Q Had he moved out of this place before you saw Jeff Lyons and Mose Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happendd over there and saw him.
Q Just happened over there by accident? A I had some business there.
Q You saw Jeff's wife? A I don't think I did.
Q Never saw Moses's wife there? A No sir.
Q It has been a long time ago hasn't it Tobe? A Yes sir.
Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
Q Have you had any children born since the war? A Yes sir.
Q What year was the first one born? A in '66.
Q What time in 1866? A In April.
Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80 I think.
Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
Q When was the next one born? Waht year? A '78 I think.
Q Which comes first, '78 or '80 A '78.
Q Well I thought you said just now the one born in '80 was first?
A That one was born,--the girl was born in '80, the boy was born about '78.
Q Now how far is the Johnson Thompson place from this Dr. Thompson place? A A couple of miles the way you go around.
Q Just across the River aint it? A Yes sir.
Q When did Johnson Thompson come back? A I don't know.
Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn,t live right close to where he lived.
Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
Q You didn't see Mose's wife when you went up there? A No sir, not the first time.
Q How long was it that you did see his wife? A It was a way along in the spring.
Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
Q Now you just remember of your own independent recollect of seeing this fellow when you passed there? A I stopped and talked with him.
Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
Q Who else that didn't live there? A Uncle Lewis Rowe.
Q Up at the Dr. Thompson place? A Yes sir.
Q Live there? A No sir, I just went there and stopped and saw him there.
Q In 1867? A Yes sir.

Q Where were you going? A Up to Andy's.
Q I thought you said you were passing there? A I did pass there.
Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
Q Don't you know Mose and his wife was living in the house then?
A No sir, I never went in the house.
Q Did you see Tom Moore and his wife there, old Tom and his wife?
A I don't recollect seeing them.
Q Didn,t recollect seeing Butler and his wife? A No sir.
Q You don't recollect that? A No sir.
Q You testified before the Commission at Chelsea on June 12, 1901; in the matter of the application of Ben Adams didn,t you? A Yes sir.
Q You testified that his father's name was Warren Adams? A Yes sir.
Q You testified that his mother's name was Ibbie? A Yes sir.
Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
Q What time did you say you saw them? A In the early spring.
Q What month? A In March.
Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer " Yes sir." "Where did they go up on Grand River," "How do you know they returned in 1866," Answer,"I saw them," I will ask you if you didn,t testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
Q You can say yes or no? A It was '67 I testified to.
Q You swear you didn't say it then? A Well I swear it---
Q And you don't know when Bob Daniels come back? A No sir.
Q And you don't know when Johnson Thompson come back? A I was living down the river.
Q They located within a mile of this Dr. Thompson place? A Yes sir.
Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of these things like you folks.
Q Who asked you first to testify in this case? A don't know who. I have been testifying ever since Bob Daniels court.
Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
Q Bob Daniels was an educated man? A Yes sir.
Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S E X C U S E D .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McNair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Nelson Moore.
Q What is your age? A Will be 55 my birth day.
Q What is your post office? A Ketchum.

Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Were you acquainted with his wife? A Yes sir.
Q What was her name? A Mahala.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Are you acquainted with the applicants, Altha and Oscar Moore?
A Yes sir.
Q Who is their father? A Mike Moore.
Q Are you acquainted with Butler McNair? A Yes sir.
Q Acquainted with his wife? A Yes sir.
Q Acquainted with Tom Moore? A Yes sir.
Q His wife? A Yes sir.
Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee Nation? A Yes sir.
Q When was that ? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
Q The latter part of December, 1866? A Yes sir.
Q Or January? A January first.
Q The following January after December, 1866? A Yes sir.
Q Where was he then? A On the Dr. Thompson place.
Q Who did he have with him? A His wife, Mahala, and Mike Moore.
Q And who else? A A girl named Anika, his stepdaughter.
Q How long did he stay over there? A Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
Q How long did he stay on that Dr. Thompson place? A He made a crop there.
Q What year did he make a crop on the Dr. Thompson place? A '67.
Q Did you see Butler McNair at any time down there? A Yes sir.
Q When was that? A That was in the same year.
Q What time did he come? A He come along about the winter time too.
Q Who come with him? A Uncle Tom.
Q Tom who? A Moore.
Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
Q Did he come the same time Jeff Lyons came? A Yes sir.
Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
Q Where did Tom Moore move to afterhe left Dr. Thompson's place?
A Right out about a half mile south of there and made a new place there.
Q Make a place of his own? A Yes sir.
Q How long did he live there? A Why he lived there up until he died in '85.
Q You say a girl named Anika was stayin with Jeff Lyons? A Yes sir
Q Did you see a woman named Peggie Durant with that crowd? A No sir.

BY MR. HASTINGS:
Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 5, 1902, are you? A Yes sir, I guess I am the same fellow.
Q You gave your age 4 years ago as being 48 and your post office Ketchum? A Yes sir.
Q And your District Delaware District? A Yes sir.
Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
Q Are you related to Mike Moore? A He is a half brother of mine.

Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Arthur Bean.
Q How old are you? A 63.
Q What is your post office address? A Chaffee, Indian Territory.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas awhile.
Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
Q You mean the winter? A Of '67.
Q You meantit was following the Christmas of '66? A Yes sir.
Q Where did you see him? A Down to,--I seen Mose down in that country.
Q Mose who? A Mose Hardrick.
Q Where did you see him? A Down to Uncle Fred Martin's.
Q Where is that? A Down to Greenbriar.
Q Where was Mose living at that time, do you know? A He said up in the Arsenic settlement.
Q Where was it? A About 8 miles above where we were.
Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. A I didn't see Jeff the time I seen Mose, saw Jeff later on.
Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
Q Of what year? A '67 I guess.
Q Do you know where Tom Moore and Butler McNair were at that time?
A No sir.
Q When was the first time you saw them? A I never seen them until way after that.
Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:
Q You never saw neither Mose nor Jeff until February, 1867? A Yes sir.
Q That is your first time? A Yes sir, as well as I recollect.
Q You are now testifying from your independent recollection, you havent got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

Q That has been a long time ago? A Yes sir, so it has.
Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
Q Can you read and write? A No sir.
Q You were a slave before the war? A Yes sir.
Q Where was this young Tom Moore living when you first saw Mose and Jeff? A I don't know sir, he must have been living with his Uncle Tom.
Q Were you acquainted with Mose before the war? A Yes sir, lived about two miles of him.
Q Before the war? A Yes sir.
Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
Q And Joe? A Yes sir.
Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Mose asked me to come down on his case.
Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
Q Where were you when he asked you? A I don't know where we met very frequently at Vinita.
Q What month was it he asked you to testify? A I don't remember what month that was.
Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
Q You don,t remember what month it was? A No sir.
Q If you can't remember a month that happendd a year ago, how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
Q You were about 23 years old then? A Yes sir, I guess so.
Q Are you married? A Yes sir.
Q When were you married? A I guess in about '68, I guess or '67 :
Q You don't remember the year? A No sir.
Q You couldn't tell that? A I couldn't tell, I have got it in my book.
Q But you cannot tell that independently? A I was married in '68 if I mistake not.
Q Was it 1867 or '68? A I think it was '68.
Q Are you positive about it? A I am pretty near positive but I wont besure. If I was at home I would tell you, I would go by my book.
Q You are not willing to trust your memory as well as you are the book? A No sir.
Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
Q I am asking you now when your first child was born? A I couldn't tell about that.
Q How many children did you have? A I got two children living and 6 or 7 or 8 dead.
Q When did your first child die? A That has slipped my remembrance
Q It has been a good long while? A Yes sir.
Q You couldn't trust your recollection to that could you? A No sir.
Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
Q When did Bob Daniels come back up in that country? A About '67.

Q What time in 1867? A I don't know just what time.
Q In January? A It might have been January, but it was in that year sometime I think.
Q Well do you think it was in January or December? A I don't know I couldn't say which year it was. It might have been in September and it might have been In October, I don't know just what time it was.
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.
Q What time did Johnson come back up there? A I don't remember just what time he come.
Q You don't remember the year? A No sir.
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.
Q How long afterwards before you saw old Tom Moore? A Not very long.
Q Five years? A I guess it might have been a shorter time than that.
Q Your best judgment, what was it? A I don,t know anything about when I seen Tom.
Q Well now your brother Joe married? A Yes sir.
Q What year did he marry in? A I couldn't tell you that, he has been married twice.
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S E X C U S E D :

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Andy Frye.
Q What is your age? A Either 73 or 74.
Q What is your post office? A Ketchum, Indian Territory.
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.
Q On what place were you living? A I was living on the Thompson place.
Q Known as the Dr. Thompson place? A Yes sir.
Q What time did you move on to that place? A I moved there in October.
Q What year? A '66.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Were you acquainted with him when the war came up? A Yes sir.
Q When did you see him after the close of the Civil war? A See him in '66,--along in '67.
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson's place along in February, '67.
Q What time in February? A Along about the first of February.
Q How long did he live on the Dr. Thompson place? A He made one crop there.
Q Where did he go to from there? A Just south of there, I don't know how far.
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

Q Who moved on to the Dr. Thompson place after you moved away?
A Mr. Parks.
Q Were you acquainted with Butler McNair? A Yes sir.
Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.
Q What time in 1867, what month? A Along in February.
Q Did he have his wife with him? A No sir.
Q What was his wife's name? A Betsy.
Q Where was she then? A In Kansas.
Q When did she come? A She come along in July or September, somewheres along there.
Q Did Butler come back after her? A Yes sir.
Q No w when Tom Moore came, when was that? A Him and Butler came together.
Q Did Tom Moore bring his wife? A No sir.
Q When did she come? A The same time Butler went back and brought her. They went and come together.
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
Q Built a home of his own? A Yes sir.
Q He and his wife live down there? A Yes sir.
Q Did you see a woman named Peggie Lynch or Durant down in there at that time? A No sir.
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:
Q Jeff Lyons didn't come with them did he? A He come before they did.
Q What is Jeff's wife's name? A Mahala.
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On behalf of the Commissioner: The objection will be noted.

Q Whhat time did Jeff Lyons bring his wife down her? A It was alon In December, sometime before Christmas.
Q Then Jeff and Mose didn't come together? A No sir.
Q Mose come after that? A Yes sir, he come after Jeff come.
Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.
Q The first time? A Yes sir.
Q That was in the spring of 1867? A Yes sir. I don,t know, it might have been along about the first of February, it was after Christmas.
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
Q You are not positive as to that? A I cannot keep the dates.
Q If Nels Moore testified he come about the time grasscomes up in the spring of 1867, you think he is about right? A I don't know.
Q You don,t want to contradict that? A I wont contradict nothing.
Q This Mahala was a slave of Bob Daniels? A Yes sir.
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.
Q How far was it from you where he located? A Only about a mile and a half.
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I aint certain.

Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
Q And he owned this Mahala Lyons? A Yes sir?
Q And you say they come before any of these others that you have mentioned? A Yes sir.
Q You are positive about that? A Yes sir, I am positive, I know they did.
Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
Q Did Jeff work for Kell over there a while? A Yes sir.
Q About how long? A About three weeks.
Q That runed him over to the spring? A Runed him over until along In January.
Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
Q Well did he come over there? A Yes sir.
Q Did you permit him to make a crop over there? A Yes sir.
Q When did he move over to your house? A He moved over about the first of February.
Q Then he never lived at your house before the first of February, 1867? A No sir.
Q Then if any of these witnesses testified thathe was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
Q Never come there did he? A He come in January to see me.
Q Never come there to live? A No sir, not until the first of February.
Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
Q How long after that before Butler McNair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
Q Well if Judge Clark and Nels Moore say he come there after the grass began to grew in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings:

On Behalf of the Commissioner: The objection will be noted.

A No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
Q You wont dispute that? A No sir, we had green grass all winter.
Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
Q You are just guessing at it? A Yes sir.
Q Using your own independent recollection? A Yes sir, I think it was about that time.
Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
Q And you don't know when Bob Daniels come back? A I don,t know the date he come back.

Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr. Daniels.
What time do you think Johnson Thompson come back? A I couldn't say. I know he was there first.
Q Do you know whether he come in 1867 or '68, or '69? A He must have come in the fall of '66.
Q Did you testify before the Commission at Vinita on May 15, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
Q You don,t know whether you testified in that case? A I don't know, I might have, I think I testified for him somewheres.
Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
Q You testified did you in that case? A Yes sir.
Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
Q You are the same party who testified in that case? A Yes sir, I testified for Sam.

BY MR. STARR:
Q Bony Dan did come back in 1866? A Yes sir.
Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
Q One named Harvey? A Yes sir.
Q When did he die? A March 11, I believe.
Q What year? A That was in '67.
Q Who dug Harvey's grave? A Jeff Lyons.
Q Now where did Jeff Lyons live before he went on this Kell place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
Q Had been camping there prior to when he went on Kell's place?
A Yes sir.
Q What was your next child's name that died? A Lula.
Q When did she die? A In '67.
Q What date? A Along in September, I don,t know exactly the date.
Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
Q You are not certain about that? A No sir.
Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:
Q You don't know what year he died? A I don't know.
Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:
Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
Q Expalin that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this court and I told him he would have to pay me the money, or put up something as good as the money.
Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

Q How long did you attend before the Commission at that time? A There about two weeks before we got into it.
Q What was the mule worth? A I give Dan Tucker $12.50 for his part.
Q What part did he have? A I had $12.50.
Q The mule was worth $25.00? A Yes sir.
Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
Q What did they give you? A They allowed me $12.50.
Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
Q Now that three days attendance, your milage and time for the Cherokee Nation amounted to $12.50, did it? A Yessir.
Q And about two weeks attendance in this other case, your milage and time only amounted to about $12.50? A That is all I got out of the mule.

BY MR. HASTINGS:
Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than $2.00 per day, and your milage? A Mr. Bell told me to make it 4 d ays, and I didn't claim anything.
Q Who paid you? A Roland brought the check to me and we went down to the bank and got the money.
Q Did you sign a pay roll? A No sir.
Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
Q Did Gale Starr give you that check? A No sir.
Q Was it while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
Q Didn't you never know he was? A No sir.
Q Never heard of it? A No sir, never heard of him being an official for the Cherokee Nation. I know he was called an Attorney at Law but I never knew he was an official.
Q You never heard of that? A No sir.
Q Well whose name was signed to that check? A I don't know sir, I never looked on the check to see whose name. Me and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
Q Do you know when it was? A I don't know, you know when that case of Bettie Cash was up.
Q Did the Cherokee Nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
Q Was the amount you got what you were entitled to for your time and milage, how far do you live from Vinita? A I considered that paid me for the time and milage.
Q How far do you live from Vinita? A 14 miles.
Q And it is 66 miles from Vinita to Muskogee, in the neighborhood of 80 miles, and you say you got a check for $12.50? A Yes sir.
Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn't claim nothing.
Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
Q Did you sign a pay roll? A I never signed nothing.
Q Do you swear that? A I never signed nothing.
Q You sign your name don't you? A No sir.
Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
Q I am talking about the pay roll? A What pay roll?
Q The pay roll so that the check might issue on it? A I don't understand it yet.
Q You can't sign your name? A No sir.

Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
Q And according to that you were out three days and 80 miles and you didn't get but $12.50? A That was all.
Q Did you make theese other fellows you have testified for pay you? A Which?
Q You have testified in a good many cases? A Yes sir, they paid me.
Q All of them? A Some of them did and some didn't.
Q How much did you get in the Sam Landrum case? A I have forgotten.
Q What other case? A There was several cases, I don't recollect who I did witness for.
Q You don't remember any other cases? A No sir.
Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than $25.00 at the time you took it? A I said I couldn't get more than that because he was balky.
Q What did you think he was worth when you were getting it? A About $30.00.
Q And you sold it $5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
Q Then you made a business of charging all these fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
Q Post-office Ketchum? A No sir.
Q Never testified in that case? A No sir.
Q Well he never paid you nothing? A No sir.
Q Did you testify in the Aaron Martin case? A Yes sir.
Q Is that the one you got the mule in? A Yes sir.
Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, that was separate.
Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
Q Did you testify in the Elias Downing case? A No sir.
Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
Q Did you testify in the Peyton Martin case? A Yes sir.
Q Did he pay you? A Yes sir, three or four dollars.
Q Do you know, do you remember how much he paid you? A About three dollars.
Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me $10.00 for witnessing for his family.
Q Where were you going to witness at? A In the Kern-Clifton Court.
Q Witness for him then for $10? A Yes sir.
Q And you didn't get it? A No sir.
Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't xxx stay there all the time, I went back and forwards.
Q What was the longest you ever stayed up there? A Not over two days at a time.
Q How long were you there when you testified for Aaron? A About two days, then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
Q Did you get any other mules in any other cases besides that one? A No sir, mules were two high, I couldn't go and get a mule every time.
Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
Q What did you get from George W. Lynch for witnessing for him, whose post office is Vinita and whose age was then 48? A I don't think I witnessed for George W. Lynch.
Q You don't think you ever witnessed for him? A No sir.
Q Did you witness for Harriet Tucker? A She was in the Aaron Martin family.
Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
Q It was your habit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
Q If you were hanging around you charged them if you testified? A No sir, if they wanted me to testify for them I went in and testified.
Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
Q How much did they say they would pay you? A I don't know, they haven't said.
Q Did they pay your fare? A Yes sir.
Q Who? A This man.
Q Who are these men? A Starr & Patton.

BY MR. PATTEN:
Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:
Q State your name? A Thomas H. Moore.
Q Did you testify in this case awhile ago? A Yes sir.
Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
Q What is it? A I want to withdraw one I made, a statement in '66, I want to make it '67.
Q What was that about? A Bob Daniels moving in in '66, in '67 he moved in.

BY MR. HASTINGS:
Q Who did you talk to about this since you left the stand? A I got to studying it over myself.
Q You talked to Mr. Patton about it? A Just now, yes sir.
Q Before you come back on the stand? A No sir.
Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.
Q How did he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.
Q Were you not right out there when Andy Frye was on the stand, and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this shuck school house.
Q All those witnesses are out here in the hall? A Yes sir.
Q You have all been talking about it out here in the hall? A Yes sir.
Q You have talked to Starr or Patton out here in the hall about this case? A No sir.
Q You testified that you saw Rose Hardrick here in the winter of 1866, in February? A '67 I mean.
Q You swore awhile ago 1866 and Mr. Patton asked you over and over?
A I know I did, that is what I am trying to get str ight. We lived up where I live now and we come down to this school all this time.
Q Mr. Patton asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.
Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.
Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.
Q And it was in the fall of 1867 Bob Daniels moved in and you out?
A Yes sir.
Q You are certain that that was November I believe you said? A Did I say November.
Q You said fall, October or November? A It was in that fall anyhow.
Q Of 1867? A Yes sir.
Q That is when Bob Daniels moved his family up there? A Yes sir.

W I T N E S S E X C U S E D .

A P P L I C A N T S R E S T .

The following testimony was taken on behalf of the Cherokee Nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, pyeedman doubtful 292, be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the application of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D. 8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A. STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Eliza A. Strout.
Q How old are you? A 50.
Q What is your post office? A Vinita.
Q What was your maiden name? A Daniels.
Q Were you a daughter of Bob Daniels? A Yes sir.
Q Is he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q Through who do you get your Cherokee blood? A Father and mother both.
Q Did your parents own some slaves before the war? A Yes sir,
Q Did you know at any time a negro woman by the name of Wahala, who afterwards married Jeff Lyons? A Yes sir.
Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
Q Who did she belong to? A My parents.
Q Did she have any children before the war? A Yes sir.
Q What was the child's name? A She had one named Wash, I don,t know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
Q He was born before the war? A Yes sir.
Q Hr was a slave of your parents? A Yes sir.
Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
Q Now did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and westayed there all winter and then come back up home on Grand River in March, 1867.
Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
Q Was it on the same side of the river? A Yes sir, on the east sid
Q And about a mile from the Dr. Thompson place? A Yes sir.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir, he married my sister.
Q Do you know where the Johnson Thompson place was? A Yes sir.
Q Where was this Dr. Thompson place with reference to your father's place and the Johnson Thompson place? A It was right between the two.
Q Then you had to go by the Dr. Thompson place in order to go to your aunt's who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
Q Did you visit backwards and forwards frequently? A Yes sir.

Q Now was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
Q Was she in that neighborhood at that time? A No sir.
Q She was your old slave? A No sir, she was not there.
Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it?
A No sir, I don't think she could.
Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don,t know whether he passed on it or not, I guess the record shows it.
Q He was a member of the Supreme Court in 1871? A Yes sir.
Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
Q He lived there until he died? A Yes sir.
Q You know how long afterwards before you first heard of Mahala coming back there? A No sir, I don,t know exactly how long but I don't think it was right soon. I am pretty certain it was not.
Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
Q That was your impression from knowledge you gained at that time?
A Yes sir.

BY MR. PATTEN:
Q I believe you say you are about 50 years old? A Yes sir.
Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
Q When was that? A I just now said it was in 1867.
Q What time of the year? A In March when we come down on the river.
Q You say Mahala was the slave of your father? A Yes sir.
Q You say she had one child before the war? A She had more than one.
Q Can you give the name of one? A She might have had more than I know of.
Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
Q How old were you at that time? A At what time.
Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
Q And you were about 6 years old at that time? A I guess so.
Q And you remember things that occurred, that happened , when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
Q And you were only about 10 years old at the close of the war?
A I can remember when I was 6 years old.
Q Whose slave did you say Mahala was? A I guess she belonged to my father and mother both.
Q Did she belong to them at the commencement of the war? A Yes sir.
Q And they were Cherokee citizens? A Yes sir.
Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.

Q Do you know where Judge Clark was living when you came back?
A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
Q Do you remember where L. P. Bell was living when you come back.?
A No sir, I know where he lived afterwards.
Q When you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson,s wife was my mother's sister, and so was Dr. Thompson's wife.
Q Did you go by the house? A Yes sir.
Q Was it on the road? A Yes sir, of course it was on the road.
Q Who lived on the Dr. Thompson place at that time? A I don,t know who all, there was a lot of darkies living there.
Q Can you name them? A I knowed Andy Wrye and Al Lynch.
Q Who else? A I don't remember anybody else.
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don,t think he was married then.
Q You are certain that was the spring of 1867? A Yes sir.
Q Who else besides Andy Wrye and Al Lynch? A I don't remember. There was an old colored man named Tobe Schrimsher.
Q Were there any ent else besides those three? A I don't remember anybody else.
Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
Q Old man Tom Moore? A Yes sir.
Q How do you know he wasn't living there? A Because I didn't see him.
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don't see how he could be there without my seeing him when I passed there.
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
A I said I didn't know them but I know Tom Moore and his wife, belonged to my father.
Q You were about 16 years old? A I said I was about 12.
Q There were some colored people living at that house and you didn't know who they were? A I know Tom Moore wasn't there.
Q Do you undertake to swear Mahala wasn:t there? A If she had been there I would have seen her.
Q Do you undertake to say you knew you saw everybody that lived there? A I guess I saw them but I didn't know they names.
Q How do you know you saw them all? A I know I must have.
Q You are just guessing at that, taking it as a conclusion? How are you stating from what you actually know or what you take as a matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish question as that.

On behalf of the Commissioner: Just answer as near as possible the question as asked.

A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we come back.
Q I am not asking you that question? A I couldn't tell you just the date I saw her.

Q You saxx you saw her when they all come back? A I saw them when they were living there.
Q About when was that? A I don't know when it was.
Q Was it 1868 or 1869? A It was 1867 or '68.
Q What time in 1867? A I always thought it was 1868.
Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
Q Do you remember when they first moved on that Dr. Thompson place?
A No sir.
Q You don't know anything about when they come from Kansas? A I know they were not on that Dr. Thompson place.
Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don,t.
Q But you undertake to say that Wahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
Q Who lived on that place or in the house preceding your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
Q Did he move in there just before you folks moved in? A Yes sir.
Q Did Nelson Moore ever live in that house, if you know? A No sir.
Q You don't remember when he lived there? A No sir.
Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
Q What was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
Q Who did he get out? A Arch Landrum.
Q You are certain it was Arch Landrum? A That is what my father said.
Q Didn't say whether Arch was the only one? A Didn't say about that.
Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
Q You came shortly after he came down there? A Yes sir.
Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
Q How do you remember it was 1867? A How do you remember anything?
Q I am asking you? A (No response).
Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? You just undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don't know any more than anybody knows one year from another.
Q Have you a pretty good faculty for remembering things that occurred in 1880 or '87? A Sometimes I do and sometimes I don't.
Q Do you know when the Kern-Clifton roll was made? A No sir.
Q You don't remember that do you? A No sir.
Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
Q ~~Those things are~~ pretty hard to remember, aren't they? A

Q Some of those dates are pretty hard to remember, aren't they? A Indeed without they got to remember anything, they ought to remember it.
Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place is that the reason you remember it? A No sir.
Q There was nothing at that time to impress it upon you to remember It was 1867? A Well I know when the war closed, and how long we stayed down south before we come home, and then we come to Tahlequah and stayed there until the spring of '67.
Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
Q Where were you ~~xxx~~ when the war closed? A In the Choctaw Nation.
Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
Q What year did you go there? A I think it must have been in 1862.
Q And you stayed there three years? A Stayed there until 1865.
Q What time in 1862 did you go? A I don't know.
Q You don,t remember that? A No sir.
Q Do you remember the occasion of going? A Yes sir.
Q You say you stayed there about three years? A We stayed there until 1865.
Q What time in 1865? A I don't know, I think it was in the spring.
Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
Q How long did you stay at Tahlequah before you came down there?
A I told you from that time until March.
Q The following March? A Yes sir.
Q Then you came to Tahlequah in 1865? A '65.
Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we come to Tahlequah in 1866.
Q Do you know what year you were born in? A 1855 so my mother said, I don't know whether I was or not.
Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D.

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A James R. Dunlap.
Q What is your age? A 65.
Q What is your post office? A Carlile, Kansas.
Q How far is Carlile from Iola? A Five miles.
Q How long have you lived in the vicinity of Carlile and Iola?
Q I first came there in 1864, moved there in 1866.
Q What time in 1866 did you move there? A Sometime in the spring, May or June.
Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did they live there in that vicinity? A Yes sir.
Q Did you at that time live in the town or in the country? A I lived in the country there.
Q About how far did Butler McNair live from you? A About a mile.
Q Live in a cabin over there? A Yes sir.
Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsy Butler was with my wife.
Q Was that Butler McNair's wife? A Yes sir.
Q Was that after this confinement you speak of? A Yes sir.
Q Was that the first child your wife had? A Yes sir.

Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
Q Have you a record of the birth of that child? A Yes sir.
Q Did you bring that with you? A Yes sir.
Q What does that record disclose? A You read it.
Q Is this from your family record, your Bible? A Yes sir.
Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
Q That is the date of his birth? A Yes sir.
Q And you are positive that Betsy the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
Q Do you remember how long she stayed there after that? A No sir, I don't.
Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 21, 1867.
Q And you are positive that Butler McNair's wife Betsy was there?
A Yes sir.
Q You are not prepared to say how much longer they remained there?
A No sir, I douldn't do that.
Q Did you know a colored man named Tom Moore, A Yes sir.
Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
Q They didn't live on your place? A No sir.

Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the same time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:
Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn't have any acquaintance with the old lady until I went after her to stay with my wife.
Q There is no question but what she waited on your wife at that time? A No question in my mind.
Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
Q Did you ever know him? A Yes sir.
Q How far did they live from you? A About a mile.
Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just come into the country there and we swaped work around and cut our wheat.

W I T N E S S E X C U S E D .

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A J. A. Thompson.
Q What is your post office? A Vinita.
Q What is your age? A I will be 66 years old the first day of next August.
Q Are you a Cherokee by blood? A Yes sir.
Q What was your father's name? A Johnson Thompson.
Q Have you a brother named Tommy Thompson, T. P. Thompson? A Yes sir.
Q Where did you go during the Civil war? A We went south, on Red River.
Q Where did you return after the war? A Back there on our old place.
Q Where was that? A On Grand River, known now by the Ketchum place.
Q By Ketchum post office? A Yes sir, near there.
Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
Q How far is that from the Dr. Thompson place? A About a mile.
Q On the same side of the river? A No sir.
Q How far from the Bob Daniels place? A That was a short mile. further south, on the south side of the river.
Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
Q And both on the opposite side of the river from your father's place? A Yes sir.
Q Do you know Mrs. Strout, daughter of Bob Daniels? A Yes sir, first cousin of mine.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A In 1867.
Q What time of the year? A Early in the spring.
Q What time did you people come back to this Johnson Thompson place?
A I think it was in October, in 1866.
Q Did you ever know Moss Hardrick a colored man before the war?
A No sir.
Q Did you know Jeff Lyons before the war? A No sir.
Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
Q Did Daniels live up there before the war? A Yes sir.
Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
Q Right at the same places you described? A Yes sir.
Q Then you knew Mahala well did you? A Yes sir.
Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
Q Was that when they came back to the country? A Yes sir.
Q You say that was in the fall of 1867? A Yes sir.
Q Are you positive they were not there during the winter of 1866?
A I don't think they were, if they were I didn't see them.
Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
Q You remember when Moss Hardrick came? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
Q Did you see him there before you saw Mahala and Jeff? A No sir.
Q Did you know a child of Mahala named Mike? A Yes sir.

Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he come or how he come.
Q But Did you see him there before you saw his mother? A No sir.
Q You saw him afterwards? A Yes sir.
Q Did you know Butler McNair? A I wasn't acquainted with him.

BY MR. PATTEN:
Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
Q Where were they living at that time? A camped in our yard there on our place.
Q That was in the fall of 1867? A Yes sir.
Q When was the first time you saw Rose? A It was sometime after that I think, I would not be positive. I don't remember much about Rose because he went across the river.
Q Was it about the same time? A Pretty much the same time.
Q How how long did they camp with you there when they went into camp? A Yes sir.
Q Had they just moved in from some place? A Come in from Kansas I suppose.
Q Was this on the same side of the river as the Dr. Thompson place? A No sir.
Q That was across the river from the Dr. Thompson place? A Yes sir.
Q That was in the fall of the year? A Yes sir.
Q And you think it was what year? A 1867.
Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
Q When do you ~~xxxx~~ claim ? A I don,t claim.
Q Were you in the country? A There were two fights on Horse Creek.
Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was it before or afterwards?
A Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
Q You don't know whether it was before or after? A Well it must have been ~~xxxx~~ then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
Q The same fall? A I couldn't tell positively.
Q What is our best judgment about it? A Well I hate to say.
Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, along time. There were two fights there, one occurred before we come there.
Q Did those two fights both occur the same year? A I couldn't tell you that.
Q Where did they move to when they moved away? A Across the river.
Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
Q What place was that you say? A They settled a place in there near Uncle Rober t or sorter between the two places.
Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
Q You started the fall of 1867? A Yes sir.
Q When did they make a crop on that new place, Jeff? A We surely couldn't have made any crop earlier than 1868.
Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

Q Do you know whether or not he ever lived on the Dr. Thompson place?
A He might have rented some ground from Uncle Jeter.
Q I mean live there? A I don't remember of him living there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Schrimsher, and there was another fellow or two there.
Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,— what time was it Jeff and Mahala were camped there? A That was along in 1867.
Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
Q That was about the time Tobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniels' horse and Schrimsher was running out boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
Q And thatwas on the other side of the river from the Dr. Thompson place?A Yes sir.
Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
Q Where were you living when they moved? A I don't know whether we were there or had gone to school:
Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
Q To m remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't come up there until late in the fall of 1866.
Q How do you remember it was 1866 you come up there instead of '65?
A We were afraid to go up there.
Q How long after the war closed before you were afraid to come up there? A We come as soon as we thought it was healthy.
Q This occurred about 40 years ago? A Yes sir.
Q You were how old? A About 16 years old.
Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. F. THOMPSON, being first duly sowrn, testified as follows:

BY MR. WASTINGS:

Q What is your name? A T. F. Thompson.
Q How old are you? A Going on 69 years old.
Q Waht is your post office? A Vinita.
Q What was your father's name? A Johnson Thompson.
Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
Q Did you know Bob Daniels in his life time? A Yes sir.
Q Was his wife any relatiam to you? A She was an Aunt of mine, a sister to my mother.
Q Were they Cherokees? A Yes sir.
Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
Q Where? A On Grand River.
Q How far from Vinita? A East about 15 miles.
Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
Q On which side of the river did your folks live? A On the west side.
Q On which side did Bob Daniels live?? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
Q On the opposite side of the river from you?" A Yes sir.
Q How did you people go out during the war? A Yes sir.
Q What time did you return? A We returned in the fall or winter of 1866.
Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
Q Did you know Mrs. Strout that was on the stand? A Yes sir.
Q That was her father? A Yes sir, he lived there.
Q Then each of your fmilies returned back to these old places?
A Yes sir.
Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
Q Did she have any children before the war? A I think she did, I would not be certain about that.
Q Dont know of a child named Mike Moore? A Yes sir.
Q How how far is this Dr. Thompson place from your place? A About a mile, just across the river.
Q You say you knew Mahala who belonged to your ~~aunt~~ aunt Mrs. Daniels before the war? A Yes sir.
Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we did but I couldn't say whether it was the year we did or the year following.
Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
Q Well you don,t want to be positive about it, is that as I understand you? A No sir, because I am not.
Q Did you make an affidavit in this case? A Yes sir.
Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
Q Who prepared it? A A young man named Mike I believe.
Q With whom did you talk about it? Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

Q Did you tell him that you didn,t want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.
Q You didn't intend to say 1866? A No sir.

BY MR. PATTEN:
Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.
Q Or you would not want to be understood as positively swearing it was 1867? A No sir.
Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A No t that r remember of. I don,t think Mr. Starr had anything to do with the affidavit at all.
Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
Q The Wallace Court in 1869? A No sir, I think not.
Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedmen cases before. I don,t remember of it.

W I T N E S S E X C U S E D .

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolicated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, M. D. 314, at a prior hearing will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two heads, consolidated cases of Moses Hardrick, et al., and George Irons et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield et al., P P 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is notestimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County Kansas, was never authenticated for the year 1868 by the Assessor.

On behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906 in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of theproceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 498, being the case of Henry C. Hayden, et al., Freedman Doubtful 535, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freedman Doubtful 578, being the case of Katie Thorton, et al., Freedman Doubtful 201, being the case of Sarah Bean, Freedman Doubtful 765, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1009, being the case of George Ross. All of said cases being freedmen cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1866 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient and move that the Nation be required to specify in each instance what testimony is false.

Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes had decided adversely to them, and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes, and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it woulf not tend to discredit him for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Bixby, Commissioner: The objection willbe sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful, 317, Charles Martin, et al., Freedman doubtful 597, Jane Looney, Freedman doubtful 631, Nancy Ross, et al., Freedman doubtful 662, Cynthia Heard, et al., Freedman doubtful 921, Elijah Watie or Tinnon. Freedman doubtful 946 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009, George Ross, Freedman doubtful 1020, Kissie Newman, et al., Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 828, John May, et al., Freedman doubtful 880, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann, et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 866, Aggie Little, et al. Freedman doubtful 617, Rosa Shebe, et al. Freedman doubtful 79, Mary Hemmitte. Freedman doubtful 734, John Towers. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin. Freedman doubtful 880 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 726, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and Citizenship Courts, that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record; that the Andy Webber case was tried and closed ob Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treaty of July 19, 1866. That we do not represent George Irons, Betty Mayes and Richard Nero, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Seff and Mahala Lyons would be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no diligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Mayes,	F D	87
Richard Nero,	F D	1328
Ned Lyons,	F D	251
Rachel Landrum	F D	252
Elias Lyons,	F D	253
Altha Moore, et al.,	F D	357
George W. Lynch,	F D	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he come from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we willhave to deny the motion. The motion is denied.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcrip of his stenographic notes thereof.

Geo. H. Lessley.

Subscribed and sworn to before me this 23rd day of July, 1906.

B. P. Rasmus

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. AHMc

In the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, consolidating the applications of-----

Moses Hardrick	Cherokee freedmen	R-574
Silas Hardrick	Cherokee freedmen	R-536
Sarah Beam	Cherokee freedmen	R-643
Nelson Hardrick, et al.,	Cherokee freedmen	R-557
William Hardrick, et al.,	Cherokee freedmen	R-599
Eliza J. Hardrick, et al.,	Cherokee freedmen	R-631
Mary Hardrick, et al.,	Cherokee freedmen	R-579
George Irons, et al.,	Cherokee freedmen	R- 36
Bettie Mayes	Cherokee freedmen	D- 87
Richard Nore (Irons), et al.,	Cherokee freedmen	D1328
Ned Lyons	Cherokee freedmen	D-251
Rachel Landrum	Cherokee freedmen	D-252
Eliza Lyons, et al.,	Cherokee freedmen	D-253
Altha Moore, et al.,	Cherokee freedmen	D-387
George W. Lynch, et al.,	Cherokee freedmen	D-731

D E C I S I O N.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Beam for his wife, Sarah Beam; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children, Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lenion; by Jennumma Irons for her husband, George Irons, and his children Bertha and Bettie Irons and grand child, Elmora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Millie Nore (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Eliza Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1905, the Commission to the Five Civilized Tribes rendered its decision herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906 (I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4667-1906) respectively; on motions of the applicants the Department rescinded its decision of October 13, 1904, and remanded the records in this new consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor possess any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch by virtue of having complied with certain provisions of the Treaty of 1866; Silas Hardrick, Sarah Beam, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descendants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a d escendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lenien as descendants of the applicant Mary Hardrick and one Mose Lenien; Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Elnora Nivens as the descendant of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant of Elias Pyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descendants of the applicant George W. Lynch.

A reexamination of the records in this new consolidated case made prior to the rendition of the decision heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. A For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occured on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which array of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

> "After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In taking this census Mr. Tomkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

Going Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Kee-wees-kee-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566 Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 9588, Whites, 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four and reads as follows, to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:— taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

"Q How does the fact that the grass was up connect with in your mind, with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Ruben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes sir to a census taker; that was i n '67.
Q What month was that? A That was about June or July as well as I remember.
Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum, can be identified on the roll of 1867. The Testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McNair,, however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke) did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedman citizenship can be identified on any Cherokee roll in the custody of this office.

FINDINGS AND FACT CONCLUSION: It is considered that the evidence in thos case shows that neither the applicants, Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen to said Nation; and that all the applicants herein except those last above named, were born since the close of the rebellion and obtained no rights to Cherokee Freedmen citizenship through their ancestors.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick, Silas Hardrick, Sarah Bean; Wolsen Hardrick; LeRoy Hardrick; Eliza J. Hardrick, Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lonien; Jackson Lonien, George Irons; Bertha Irons; Bettie Irons; Elnora Nivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Elias Lyons; Nelson J. Lyons, Altha Moore; Oscar Moore; George W. Lynch; Resetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 28 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats., 716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

(Signed) Tams Bixby,
Commissioner

Dated at Muskogee, Indian Territory,
This, FEB 13 1907

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons, et al., as Cherokee Freedmen, consolidating the applications of:

George Irons et al.,	Cherokee	Freedmen		R	36,
Nettie Mayes	"	"	"	D	87,
Richard Nero(or Irons) et al.	"	"	"	D	1328,
Ned Lyons	"	"	"	D	251,
Rachel Landrum	"	"	"	D	252,
Elias Lyons, et al.	"	"	"	D	253,
Altha Moore et al.,	"	"	"	D	357,
George W. Lynch, et al	"	"	"	D	731.

-:-

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanng Irons for, among others, her husband, George Irons, stepchildren, Bertha and Nettie Irons, and stepgrandchild, Elenora Nivens; by Nettie Mayes for herself; by Robert Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for, among others, himself; by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of M. W. and M. M. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 395, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons), are all children of one Nero Irons, deceased; that the said applicants, George Irons and Bettie Mayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Mollie Nero (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 2173 and 2238, respectively, and have selected and accepted their allotments of lands in said Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1866, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Elenora Nivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendant of their said parents. The minor applicant, Nelson J. Lyons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant. In Cherokee freedman case No. R. 363, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 28, 1904 (Departmental letter I.T.D. 4286-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Rosetta and Eliza Lynch , are the children of the applicant, George W. Lynch, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 181, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, r turn to the Cherokee Nation within the time specified in the Whitmire decree, and on November 23, 1904 (Departmental letter I.T.D. 8590-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental letter I.T.D. 6968-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered-- "I didn't see her at that time..... ...I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McNair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January , 1867, and did not return to said Nation until sometime during the year 1873.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irene, Bertha Irene, Bettie Irene, Elemere Nivens, Bettie Hayes, Richard Moore (or Irene), Mollie Moore (or Irene), Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons, Altha Moore, Oscar Moore, George W. Lynch, Rosetta Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman

(SIGNED) T. B. Needles
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this APR 18 1905

wsfa

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Creek F 572.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 17, 1903 (Cherokee F D 1328), asking if Mollie Nero, aged 28, is an applicant for enrollment as a Creek freedman.

Replying thereto, you are advised that one, Molly Nero, aged 25, a daughter of Nero Iron, deceased, a noncitizen of the Creek Nation, and Fanny Miller, is listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card, Field No. 572, and that her enrollment as a citizen of said Creek Nation was approved by the Secretary of the Interior, March 13, 1902.

Respectfully,

Commissioner in charge.

(COPY)

Creek F.572-589
Cherokee F.D-
1328.

Muskogee, Indian Territory, October 15, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

The Commission is in receipt of your letter of October 14, in which you request to be advised if Richard and Mollie Nero have applied to be enrolled as Creek Freedmen; you also request their roll numbers, if they have been placed on the final rolls of the Creek Nation, together with the date of the Department's approval of said rolls.

In reply you are advised that Molly and Richard Nero are listed for enrollment on Creek Freedmen cards Field Nos. 572 and 589, respectively, and that their enrollment was approved by the Secretary of the Interior March 13, 1902, Nos. 2173 and 2238, respectively.

Respectfully,

T. B. Needles -

Commissioner in Charge

Muskogee, Indian Territory, October 13, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Division show that application has been made for the enrollment of Richard and Mollie Nero as Cherokee Freedmen. The records further show that said Richard and Mollie Nero are the children of one Fannie Miller, an enrolled Creek freedman.

It is requested that the Cherokee Division be advised whether or not the said Richard and Mollie Nero have applied to be enrolled as Creek freedmen, and if their names have been placed on the final rolls of the Creek Nation as citizens of said Nation, that their number be given, together with the date of the Department's approval of said rolls.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman.
D-1528.

Muskogee, Indian Territory, October 14, 1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division.

Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Division show that application has been made for the enrollment of Richard and Mollie Nero as Cherokee Freedmen. The records further show that said Richard and Mollie Nero are the children of one Fannie Miller, an enrolled Creek Freedman.

It is requested that the Cherokee Division be advised whether or not the said Richard and Mollie Nero have applied to be enrolled as Creek Freedmen, and if their names have been placed on the final rolls of the Creek Nation as citizens of said Nation, that their number be given, together with the date of the Department's approval of said rolls.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Cher. F. D-1[illegible]
Creek F. 872-[illegible]

Muskogee, Indian Territory, March 6, 1905.

Commission to the Five Civilized Tribes,
Creek Department.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Mollie Nero and one Richard Nero, whose names appear on Creek Freedman card Field Nos. 572 and 589, respectively, and on a partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 2173 and 2238, respectively, have, either in person or by attorney, selected and filed upon their allotments of lands in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

(C O P Y)

Muskogee, Indian Territory, March 14, 1905

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Your file Cherokee F.D. 1328, Creek F. 572-589. The records of the Creek Allotment Division show that the allotments of Mollie Nero, Creek Freedman Roll No 2173 and Richard Nero Freedman Roll No. 2238, were personally selected by them.

Respectfully,

(Signed) Tams Bixby
Chairman

COPY

Cherokee Freedmen

D-1328.

Muskogee, Indian Territory, April 18, 1905.

Richard Nero,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your sister, Mollie Nero, as Cherokee freedmen, together with a copy of the Commission's decision dated April 18, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-92
Register

COPY.

Cherokee Freedmen

D-16, et al.

Muskogee, Indian Territory, April 14, 1904.

Dale, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 14, 1904, rejecting the applications for the enrollment of George, Bertha and Bertie Ekern, Emery Rivers, Bettie Ragsdale, Richard and Mattie Ford, Ned, Edna and Pearle J. Lyons, Daniel Langley, Alice and Sandy Beavs, George V., Beulah and Elsie Lynch, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his required action. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Inc. D-16

COPY

Muskogee Freedmen
Enld. 45 No.

Muskogee, Indian Territory, April 16, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated cases of George Lyons, et al., including the Commission's decision dated April 16, 1906, rejecting the applications for the enrollment of George, Bertha and Bettie Lyons, Elmera Rivers, Bettie Hayes, Richard and Willie York, Nelle Elias and Nelson J. Lyons, Sherel Landrum, Alice and Oscar Myers, George W., Lenetta and Elias Lybrand, as Cherokee freedmen.

Respectfully,

Tams Bixby,
Chairman.

Encl. 2-1068.

Through the

Commissioner of Indian Affairs.

-Copy- J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.S.20043.
I.T.D.6056-1906. May 16, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedmen case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

2 inclosures.

D.C.19488.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36
Bettie Mayes------ F. D. 87
Richard Nero (or Irons) F D 1328
Ned Lyons F D 251
Rachel Landrum F D 252
Elias Lyons et al F D 253
Altha Moore et al F D 357
George W. Lynch et al F D 731.

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the Summer or early fall of 1866 and came to the

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten

Attorneys for applicants.

Cherokee Freedmen
R 36

Muskogee, Indian Territory, May 24, 1906.

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1906, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown to the Department, a rehearing is ordered in the case to permit the applicants and the attorneys for the Nation to offer such

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens".

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedmen citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 16, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick cases, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irons cases, if you so desire. If it is your desire to introduce in the

Irons cases witnesses other than those mentioned by you in your letter of May 16, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMB

Encl. B 74

Cherokee Freedmen
R 36 et al.

Muskogee, Indian Territory, May 24, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 16, 1906 the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a n w trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason

being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Hardrick cases.

In a letter dated May 19, 1906, from Starr and

Patton, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

LMB

Encl. W 98

Acting Commissioner

Cherokee Freedmen
D 1388

Muskogee, Indian Territory, May 25, 1906

Richard Nero ,
Fort Gibson, Indian Territory.

Dear Sir:

In connection with your Cherokee freedmen enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in w ich a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Depaetment, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department states that on April 27, 1906, the attorneys for the applicants in the cases with which your application was consolidated, requested, in the event of

favorable action upon the motion filed in the case, they be considered with the cases of Moses Hardrick, et al., which were remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock, A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16 , 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick, et al. and the attorneys have been so advised.

Respectfully,

LMB

Acting Commissioner

Cherokee Freedmen
D 252

Muskogee, Indian Territory, May 25, 1906

Rachel Landrum,

Chaffee, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman enrollment case you are advised that this office is in receipt of departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Departmenr, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department states that on April 27, 1906, the attorneys for the applicants in the cases with which your application was consolidated, requested, in the event of

favorable action upon the motion filed in the case, that they be considered with the cases of Moses Hardrick et al., which were remanded to this office for rehearing April 5, 1906. The Department directs this office that "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick et al., and the attorneys have been so advised.

Respectfully,

LMB.

Acting Commissioner

(C O P Y)

Vinita, I.T. May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Imms et al. as Cherokee Freedmen, we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the Honorable Commissioner at the time this cause is set for re-hearing:

Calvin Ross,	Iola, Kansas.
Elizabeth Thomas,	Iola, Kansas.
John C. Thomas,	Iola, Kansas,
Mrs. Sarah Bird	R.F.D. #3, Longton, Kansas,
Phelix Lorance	R.F.D. #6 Howard, Kansas.
James Cristy	Geneva, Kansas.
Jack Morris Sr.,	Iola, Kansas,
John walters,--	Table Mound Cement Works, Independence Kans
Mrs. Maggie Marville,	Iola, Kansas.
Andy Fry,	Ketchum, I. T.
Millie Fry	Ketchum, I. T.
Tobias Bean	Ketchum, I. T.
Leander Bean	Ketchum, I. T.
Thomas H. Moore,	Ketchum, I. T.
Rosa Moore,	Ketchum, I. T.
Cynthia Lynch,	Ketchum, I. T.
Simon Lynch,	Ketchum, I. T.
T. J. Thompson,	Vinita, I. T.
Arthur Bean	Ketchum, I. T.
Joe Davis	Vinita, I. T.
Zeb Downing	Catale, I. T.
Jennie Downing,	Catale, I. T.
Daniel Sanders,	Centralia, I. T.
Joseph Bean	Chaffee, I. T.

We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Respectfully,

Starr & Patten

Attorneys for applicants

Cherokee freedmen
R 86

Muskogee, Indian Territory, June 4, 1906

Starr and Patten,
Attorneys for George Irons, et al.
Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30, 1906, advising the names and addresses of the witnesses you propose to introduce in the Cherokee Freedmen enrollment case of George Irons, et al.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 36

Muskogee, Indian Territory, June 4, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of letter from Starr and Patten, attorneys for applicants in the Cherokee freedmen enrollment case of George Irons, et al., advising that they will introduce the testimony of the following witnesses on behalf of the applicants:

Calvin Rose,	Iola, Kansas
Elizabeth Thomas,	" "
John C. Thomas,	" "
Mrs. Sarah Bird,	R.F.D. #3, Longton, Kansas
Phelix Lorance	R.F.D. #8, Howard, Kansas
James Christy,	Geneva, Kansas.
Jack Morris, Jr.	Iola, Kansas
John Walters,	Table Mound Cement Works, Independence,
Mrs. Maggie Harville,	Iola, Kansas
Andy Fry,	Katoma, I. T.
Willie Fry,	" " "
Tobias Dean,	" " "
Leander Dean,	" " "
Thomas H. Moore,	" " "
Rosa Moore,	" " "

Cynthia Lynch, ... Ketchum, I.T.
Simon Lynch, ... " " "
T. F. Thompson, ... Vinita, " "
Arthur Bean, ... Ketchum, " "
Joe Davis, ... Vinita, " "
Zeb Downing . . . . . Catale, " "
Jennie Downing . . . . . " " "
Daniel Sanders . . . . . Centralia " "
Joseph Bean, ... Chaffee, I.T., and will re-

call Nelson Moore , witness for the Cherokee Nation, for further cross examination.

Respectfully,

LCB

Commissioner

Cherokee
F R 874 et al.

Muskogee, Indian Territory, July 25, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Kendrick, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. CL-25.
GHL

Commissioner.

Cherokee
F R 574 et al.

Muskogee, Indian Territory, July 25, 1906.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. CL-26.
GHL

Commissioner.

Cherokee F.
D 1328.

Muskogee, Indian Territory, February 13, 1907.

Richard Were,

Fort Gibson Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the application for the enrollment of yourself and sister as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-29.
HJC

Commissioner.

Register.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-281
KJC

Commissioner.

Cherokee F.
874 et al.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-38.
HJC

Commissioner.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Kendrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Belinda Kendrick and rejecting the applications for the enrollment of Moses and Ellen Kendrick, Sarah Dean, Dalmon, Bailey, William, Mabel, Lonza and Ellen J. Kendrick, Arthur, Ethel, Hattie, and Elmer Lynch, Mary Kendrick, Anna, and Fairborn Lenion, George, Bertha and Hattie Lynch, Minnie Stevens, Bessie Hayes, Richard and Nellie Hays, Ned Lynch, Reuben Lenion, Edith and Velma J. Lynch, Alba and Oscar Hayes, Calvin W., Roberta and Elsie Lynch,

as Cherokee freedmen.

On April 8, 1906 (I.T.D. 6968-1904, 8381, 8383, 8385, 8821-1905; 1938, 2830, 8398-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Wardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.T.D. 8058, 603, 8741-1905; 1867, 1895, 4667-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl.HJ-39.
HJC

Commissioner.

Through the Commissioner
of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Land
16327-1907
19108- "

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, LeRoy, William, Mable, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie and Claud Lynch, Mary Hardrick, Amos and Jackson Lonien, George, Bertha, and Bettie Irons, Elnora Nivens, Bettie Mayes, Richard and Mollie New (Nero), Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in this Office on February 25, 1907, by McGowan, Serven & Mohun, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports

the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE--SD

W.H.M.
J.P.

DEPARTMENT OF THE INTERIOR,

LRS. D.C.12639-1907. WASHINGTON.

I. T. D.
5694, 5718, 5714, 5716,
5726, 5768, 5806, 5822,
5826, 5836, 5850, 5852,
5860, 5866, 5870, 5772,
5880, 5910, 5916, 5924,
5942, 5946, 5948, 5956,
5954, 5960, 5970, 5972,
5996, 5998, 6006, 6002,
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Moses Hendrick, et al. (freedmen),	February 13, 1907.
Alexander M. Anderson,	February 21, 1907.
Emiline Patrick,	February 19, 1907.
Lotsa Arreta Kincaide,	February 18, 1907.
Neoma Worley Hicks, (freedman),	February 12, 1907.
James McComish,	February 2, 1907.
George W. Hill,	February 18, 1907.
Lydia M. Ward, et al. (freedmen)	February 11, 1907.
Mary E. Coker,	February 6, 1907.
Charlotte M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Lignon, et al.,	February 19, 1907.
Joseph Houser,	February 14, 1907.
John Earl Redfearn, et al.,	February 16, 1907.
Minnie L. Peace, et al. (freedmen),	February 13, 1907.
Clark R. Carmody,	February 19, 1907.
George W. Trammell (freedmen),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs et al.,	January 17, 1907.
Alverta Flemmings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al, (freedmen),	February 14, 1907.
Mattie E. Powell,	February 14, 1907.
D. B. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Rexie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarance Hill, et al. (freedmen),	February 18, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

32 enclosures, and
70 enclosures to Ind Of.,
with carbon hereof.

A. F. Mc.
3-2-07.

Cherokee F.
D-1328.

Muskogee, Indian Territory, March 28, 1907.

Richard Nero,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of yourself and sister, Mollie Nero, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-52
JMH

Commissioner.

Cherokee F.
R 574 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl.C-50
LMC

C.A.F. 1328.

Appeals herein are included in consolidated Case O.T.R.-36, D-1328, ~~D-257, D-252, D-253~~ & D357, which is now awaiting further testimony to be taken in [illegible]

[illegible]

incl. 36

[illegible]

Cher Fr K 1250

Trans. from Cher Fr D 1250

Cher Fr K 1250

R
Cher

F D 1329

Department of the Interior,
Commission to the Five Civilized Tribes,
MusRogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Joel Sheppord #495 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 8, 1902.

T B Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
[redacted] as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Joel Sheppard as a citizen of the Cherokee Nation.

THE RECORDS IN THIS CASE SHOW: That said Joel Sheppard is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, [redacted] member of which, upon request, furnished [redacted] such information as he possessed relative to the identity of the persons whose names are included in said applications. [redacted] enrollment.

[redacted]

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of

Joel Sheppard on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Joel Sheppard as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1251

Trans. from Cher Fr D 1330

Cher. Fr R 1251

R
Cho. F D 1330

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES DULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lydia Thompson #546 Tahlequah District.
Carrie Thompson #547 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause; and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 9, 1902.

B. O. Jones
Notary Public.

[redacted] Dockets 2-1902.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Lydia Thompson as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lydia Thompson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Lydia Thompson is identified on the Cherokee Census roll of 1896 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, [redacted] have carefully secured evidence as to whether or not the persons whose names are included in said applications were living [redacted] whether or not they were entitled to enrollment as citizens on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Lydia Thompson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Lydia Thompson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cherokee Freedman D-1330.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Carrie Thompson as a citizen of the Cherokee Nation.

—:—
O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Carrie Thompson as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Carrie Thompson is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session; each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been consistently sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Carrie Thompson on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of Carrie Thompson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1232

Trans. from Cher Fr D 1331

Cher Fr R 1232

2
Cher F D 1331

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes Sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Barthy Thompson #536 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B O Lowe
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] : as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted] as a Cherokee [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons, at the Cherokee Land Office opened on January [illegible], 1903, at Vinita, and after removed to Tahlequah, Indian Territory, such information has been constantly sought, and since the filing of said applications in the General Office of the Commission and the Commissioner thereto at Muskogee, Indian Territory, has used all available means to secure evidence as to the identity of the persons whose names are included in said applications, were living on September 1, 1902, and whether or not they were entitled to Cherokee citizenship on said date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed. No information has been obtained tending to show the status of Barthy Thompson on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Barthy Thompson as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher Fr R 1253

Trans. from Cher Fr D 1332

Cher Fr R 1253

R
Cher F D 1332

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Charley Vann #576 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

D O Jones
Notary Public.

Cherokee Freedmen D-1538.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Charley Vann as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Charley Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Charley Vann is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Charley Vann on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Charley Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1254

Trans. from Cher Fr D 1333

Cher Fr R 1254

R
Cher.

F D 1333

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

FANNET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Fannet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes Sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Vann #574 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C. C. Bagwell.

Subscribed and sworn to before me this December 9, 1902.

B. C. Jones
Notary Public.

[redacted] 3-1903.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

—:—

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Ennet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] Vann as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] Vann is identified on the Cherokee [redacted] roll of 1880 as a [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons. The Cherokee Land Office opened on January 4, 1903, [redacted] removed to Tahlequah, Indian Territory, [redacted] [redacted] [redacted]

On July 31, 1906, a published list containing the names of all persons included in these applications, who had not theretofore been enumerated for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of George Vann on September 1, 1903.

IT IS THEREFORE ORDERED: That the application for the enrollment of George Vann as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1255

Trans. from Cher Fr D 1334

Cher Fr R 1255

F D 1334

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JACK HUNNIT, ET AL., for enrollment as citizens of the Cherokee Nation:

BENJ STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Benjy Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Webber #611 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Barrell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Barrell

Subscribed and sworn to before me this December 7, 1902.

B O Jones
Notary Public.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, [redacted] appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of [redacted] as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said [redacted] is identified on the Cherokee [redacted] roll of [redacted].

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names were included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which [redacted] appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications. A special enrolling party, travelling [redacted] by [redacted] visited all the localities [redacted] and secured information [redacted] of the persons named [redacted] Indian [redacted]

On July 31, 1905, a published list containing the names of all persons included in these applications who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list commencing [illegible] would be dismissed unless testimony could be adduced prior to December 1, 1905. No information has been obtained tending to show the status of George Webber on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of [illegible] as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 27 1905

Cher Fr R 1256

Trans. from Cher Fr D 1336

Cher Fr R 1256

R
Cher Freed

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 26, 1902.

In the matter of the application of SALLIE CARTER, for the enrollment of herself and her two children, Ernest and Trudie Carter, as Cherokee Freedmen:

SALLIE CARTER, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Sallie Carter.
Q How old are you ? A I don't know exactly.
Q About how old ? A About forty.
Q What is your post office address ? A Fort Smith.
Q You make application for the enrollment of yourself as a Cherokee Freedman ? A Yes sir.
Q Do you apply for anyone besides yourself ?
A I have two children.
Q What is the name of the eldest one ? A Ernest Carter.
Q What is his age ? A Thirteen.
Q What is the name of the next child ? A Trudie.
Q How old is she ? A She's eleven.
Q Is that all ? A Yes sir.
Q They are both living ? A Yes sir.
Q Both your children ? A Yes sir.
Q Living with you ? A Yes sir.
Q What is the name of their father ? A Frank Carter.
Q Is he living ? A Yes sir.
Q Is he a State man ? A Yes sir.

--Kerns-Clifton roll, page 135, # 3348, Sallie Carter, Tahlequah District;
--Kerns-Clifton roll, page 135, # 3349, Ernest Carter, Tahlequah District;
—Kerns-Clifton roll, page 135, # 3351, Trudie Carter, Tahlequah District;

Q Where were you born ? A In Flint.
Q In the Cherokee Nation ? A Yes sir.
Q How long did you continue to reside there after your birth ?
A I can't tell you how long.
Q Did you leave the nation during the war ? A Yes sir. No, I was here, I suppose, during the war, I was small.
Q Did your parents leave the nation during the war ?
A I don't know whether they did or not.
Q Where were you living when you first remember ?
A I was living in Saguoyah, I believe it was called. It was in the nation.
Q How long did you continue to live there ?
A I lived there until I was good sized; grown.
Q Where did you go then ? A I have been in the nation off and on since.
Q I asked you where you went when you left the Nation the first time ? A I went into the State.
Q What State did you go to ? A Went out in Fort Smith.
Q How long did you stay there ? A I stayed there sometimes three or four weeks at a time.
Q You mean to say you never stayed in Fort Smith longer than that at any one time ? A Sometimes I would go over and work.
Q How long would you stay ? A Sometimes I would be gone three or four months.
Q Where is your husband ? A He's at Fort Smith.
Q What is he doing ? A Working.

Q How long has he been there ? A About twelve months I guess.
Q Where was he before that time ? A Kansas City, and different places working.
Q Was your husband ever lived here in the Cherokee Nation ?
A He lived here a while.
Q How long ? A Never lived here no great while, probably four or five or six months at a time.
Q When ? A Its been two or three years ago.
Q Is that the only time he ever worked here ?
A No, that aint the only time. He come over and picked cotton.
Q Where were you married ? A In Sequoyah.
Q Who married you ? A Oh Lord, I have forgotten its been so long.
Q Have you got a home in the Cherokee Nation ?
A No sir, I haven't.
Q Ever keep house here ? A Yes sir.
Q When ? A No sir, not to keep house for myself.
Q You never did keep house here did you ? A No sir, we stayed with my brother.
Q Never kept house with your husband ? A No sir.
Q Where was Ernest born ? A In Sequoyah.
Q What is the name of your father ? A Willis Rider.
Q Living or dead ? A He's dead.
Q What is the name of your mother ? A Jessie Thompson.
Q She living or dead ? A Dead.
Q Who did your father belong to ? A Old lady Rider.
Q Your parents both belonged to Cherokee Indians ? A Yes sir. One belonged to old lady Rider, and mother belonged to John Thompson Adair.

Examined by W. W. Hastings:

Q Who were your neighbors down in Sequoyah when you first remember? Was that where you were when you first remember ? A Yes sir.
Q Who were you with ? A With different people.
Q Who do you first remember ? A The first one I remember was old lady that's dead, they called her aunt Phoebe.
Q Phoebe what ? A Mayfield, I believe her name was.
Q Was that close to Mound City down there in Sequoyah ?
A I don't know; don't remember.
Q Don't you remember Mound City, in Sequoyah District?
A I always called it Sequoyah, that's what I called it.
Q Was there any towns down in there at all ? A No sir.
Q Never heard of any ? A Not close to where I lived.
Q People never went after any sugar, or coffee nor anything out there? A There were none close to where I lived.
Q You mean to say you have lived there all the time, and there are no towns down there? A I said when I was small there were no towns down there.
Q Did you live on the prairie, or the mountains, or near a river, when you were small ? A The nearest river was the Arkansas.
Q How far did you live from the Arkansas ? A It must have been five or six miles.
Q Do you remember what direction from where you lived it was to the Arkansas River ? A No sir.
Q Don't know whether it was North, East, South or West ?
A No sir. I couldn't say from here.
Q From where you lived I mean ? A No sir, I can't say.
Q How old were you when you left that place down there ?
A I don't know.
Q Do you live at that same place yet ? A No sir.
Q Don't remember who married you ? A No sir, his name was Williams, or something like that, but I disremember the other part.

Q Was he a Judge ? A He was called a preacher.
Q How long have you been married ?
A Been married about thirteen or fourteen years.
Q That's the first time you were ever married ? A Yes sir.
Q Both these children of this husband ? A Yes sir.
Q Where are they now, these children ? A They are at Four Mile Branch, Tahlequah, right above Fort Gibson.
Q How far from there ? A About five miles.
Q When did they go there ? A Been there about a month.
Q Where did they go from there ? A Smith.
Q Fort Smith ? A Yes sir.
Q Been keeping house down at Fort Smith ? A No sir, been sick.
Q Who cooks for you ? A Me when I am well.
Q Well you have got a house to cook and live in ?
A I got a house to live in although I don't own no house.
Q You live there ? A Yes sir.
Q How long you been living in that house ?
A In that house; I been there about four or five months, or longer.
Q What is the number of your street down there at Fort Smith ?
A Fifth street.
Q House not numbered ? A Number 17.
Q Weren't these two children born there ? A No sir.
Q At whose house was Ernest born ? A He was born on this side.
Q At whose house ? A Why at this same old lady's that I called "Auntie", not this old lady's, but the one next door where I lived, I can't think of their names, it's been so long.
Q What were you doing over there ? A I stayed over there sometimes, and sometimes I am up here.
Q Do you mean to tell the Commission that you lived at a woman's house you have been so familiar with her that you had two children born at her house, and you don't remember her name ? The woman at whose house this eldest child was born, what was her name?
A They were both born at the same place, if I think of the name I will tell you.
Q Any kin to you ? A No sir.
Q Where was your husband when these children were born ?
A He was there at the house.
Q At the house ? A He wasn't at the house, he was at work.
Q Where was he living ? A He worked on the other side of the river at that time.
Q Near what town was this woman living when these children were born ? A Nearer Smith than any other town.
Q Who were your neighbors--the were this woman's neighbors at whose house these children were born ?
A All old folks the people that lived around there, then some have moved away, and some are dead.
Q Do you think of any single person living there in that community?
A She had some daughters.
Q Tell us some neighbors ? A They were neighbors.
Q You don't remember their names ?
A I remember Turner Whitmire, I think he lived near there.
Q How far did he live from you ? A I don't know.
Q Never saw him did you ? A Oh my, yes.
Q How old a man is he ? A He's a settled man.
Q Is he as much as twenty ? A He's more than that.
Q How far were you from Fort Smith when these children were born ?
A I guess five or six miles.
Q What direction from Fort Smith ? A It's across the river.
Q You don't know whether it is north, east, south or west ?
A I call it kinder south. It's up in this direction.
Q Is that north, east, south or west ? A I call it south.
Q No towns around there at all ? A No towns right close there.

Q What sort of house did this woman live in ?
A Many all lived in log houses at that time.
Q When these children were born ? A Yes sir.
Q Didn't have any field ? A Not much at that time.
Q What were you doing over there at that woman's house ?
A What was I doing there ?
Q What were you doing over there when the children were born ?
A I told you I was staying over there.
Q Why were you staying there if your husband wasn't there ?
A He supported me and I stayed over there among them all the time.
Q And yet you don't know the woman's name ?
A I told you one was named "Aunt Phoebe".
Q You don't know the name of the woman you stayed with ?
A I think her name was Phoebe Mayfield, I am not sure, and Turner and Starr, and all them down in there.
Q Why didn't you come before the Commission to be enrolled at Fort Gibson ? A I have been sick for about two years. Been under a doctor.
Q What doctor did you have ? A Part of the time and part of the time didn't have one.
Q What doctor did you have ? A I will call his name in a minute.
Q Where did he live ? A He lives in Smith.
Q Fort Smith ? A Yes sir.
Q Has he been doctoring on you for two years ?
A Off and on.
Q Did "Aunt" Phoebe have a well or a spring ?
A I disremember, but I think she had a spring at that time.
Q It's been so long since you have been there you have sorter forgotten ? A She's not living there.
Q That wouldn't change the fact of whether she had a spring or a well? A I don't remember.
Q When you were over there did she have a spring or a well ?
A I disremember.
Q That's the place where two of your children were born ?
A I say I disremember whether she had a spring or a well. It seems to me like we got water out of a spring all the time.
Q You are not certain ? A No sir.
Q When did you ever see Bart Thompson ?
A When was the first time ?
Q Yes ? A I have been seeing him ever since I could remember
Q Does he know where you have been living ? A Yes sir.

BARTLEY THOMPSON, called as a witness, being duly sworn and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A Bartley Thompson.
Q What is your age ? A I call myself about 61, but Joe told me the other day I was 56, but I have got it down that way, and I just let it go that way.
Q What is your post office address ? A Fort Gibson.
Q Do you know this applicant that has just left the stand ?
A Yes sir.
Q What is her name ? A Sallie Carter, used to be Sallie Thompson, belonged to old John Thompson Adair.
Q What became of her during the war ? A She went south.
Q Is found ? A Yes sir, what is found.
Q What was Sallie's mother's name ? A Jessie.

Q What became of Jessie ? A She died.
Q Where ? A South.
Q When did this woman come back ?
A Along in '66 when I came back, we lived here at Daniel Vann's. She came to her daddy's and he died, and she went to Daniel Vann's.
Q Is Daniel Vann dead ? A Yes sir.
Q Did she come back with her former m owner Nettie Adair ?
A No sir, I think she came with Clark Chambers.
Q She came to the neighborhood of Fort Gibson ?
A Yes sir. She stayed right down there in the bottom.
Q Who raised her ? A She stayed with Daniel a while and then she went down to Sequoyah. Some woman took her off for a nurse.
Q White woman ? A Yes sir.
Q Where did she go from Sequoyah ? A I don't know.
Q How long did she live in the neighborhood of Fort Gibson when she came back ? A She lived backwards and forwards, she stayed at Daniel's a winter seasom.
Q One seasom ? A Yes sir.
Q Then she went off to Sequoyah ? A Yes sir.
Q Have you been seeing her since then ?
A Yes sir, been seeing her at times since then.
Q Where did she marry ? A I don't know where she married at all.
Q Do you know her children ? A Yes sir.
Q When did you first see them ? A Ten or twelve years ago.
Q Where dih you see them ? A In Sequoyah close to Zack Foreman's.
Q Where was she living ? A She was staying there.
Q At whose house ? A At the house of old aunt Betsy Thompson.
Q Where is this woman living now ? A I don't know; she's been living out on the Branch.
Q How long ? A She stayed out on the Branch last spring, and then she went off down to Sequoyah, and I don't know where she is living right now. I am telling you the truth, I don't know where she is living now.
Q You say she lived at Fort Gibson one seasom, and went off to Sequoyah ? Did you ever see her after that ? A Yes sir.
Q When ? A About a year. I never travel around much.
Q After that time how long before you saw her again ?
A It might have been two years, I don't know.
Q Was she married the next time you saw her ?
A She said she was.
Q The second time you saw her after the war she said she was married ? A Yes sir, but to say how long I can't tell you that and tell the truth. Her people all died and she was just an orphan girl. Miss Nettie can recommend her to you alright. That's her mistress. She knows when she came back here. I don't know whether she went there or not, all the others did, but I don't know whether she did.
Q Did her mistress go south with her ? A Oh yes sir, we all went south together.
Q Did you come back with Mrs. Adair ? A No sir.
Q Did she come back ahead of you or afterwards ?
A We and my old boss were a little ahead of them.
Q Did you ever see this applicant down in Sequoyah district keeping house ?
A Yes sir, she was keeping house, but to say whether it was hers or rented, I can't.
Q Where was that ? A About two miles from Zack Foreman's.
Q How many times have you seen her in Sequoyah ?
A Four or five times.
Q Did she have any children then ? A I think she had. I stayed there at several gatherings down there and she had some children then

Q You just saw her at gatherings ? A Yes sir.
Q Do you know what her husband does ?
A I think he is working on the --I can' tell what it is. I know him good, he is following working on the railroad.
Q Don't you know that this woman lived in Fort Smith ?
A I haven't been down there since she's been living there, but her husband just works about
Q Didn't she tell you she is living at Fort Smith ?
A I don't know anything about that. I wouldn't swear that.
Q You wouldn't ? A No sir, I can't do it Mr. Hastings at all.

SALLIE CARTER, the applicant, re-called, testified as follows:

Q Do you remember your old mistress' name ? A Yes sir.
Q What was her name ? A Hettie Admir.
Q Did you ever see her after the war ? A Yes sir.
Q Where did you see her ? A No, I don't believe I have. I don't believe I have seen her.
Q Since the war ? A I don't believe I have.
Q Did you ever see your young mistress there or any of her children since the war ? A Yes sir, I saw one.
Q What was his name ? A I saw one of the boys.
Q What was his name ? A Oscar Admir.
Q Where was he living ? A He was living at Sallisaw; he said he was living at Sallisaw.
Q How far do you live from him ? A I don't know. I don't know how far he was from me, only what he said. I asked him where he was living, and he said about five miles from Sallisaw.
Q How long was it since you saw him ?
A I don't know, it's been a long time, since I saw Oscar.
Q Did you ever see Dave Bentimer's wife, Vinnie ? That was your young mistress ? A No sir, haven't saw any of them.
Q Never saw Charles Starr's wife, Ruth ?
A I have when I was younger.
Q Since the war, I mean ? A No sir, if I saw her I don't remember. He told me where they was all living.
Q Did you ever see Hank Foreman since the war ?
A There is one Hank Foreman down at--
Q I am asking you if you have seen a colored man named Hank Foreman in Sequoyah District since the war ? A I have saw one.
Q Is he a Cherokee ? A Yes sir.
Q Did you ever see a colored man by the name of Hank Foreman down in that country ? His name is Hank Foreman, a colored man ? Did you ever live with him ?
A No sir, not right near him that I know of.
Q Did you ever know where he lived ?
A I don't know how many miles it is.
Q Were you ever at his place ? A Yes sir.
Q Did you live within two or three, or eight or 10 or fifteen miles of him ? A It was about seven or eight miles I reckon from where I was to his house.
Q Never lived in a house of your own down there ? A No sir.
Q Never lived in a rented house ? A No sir.
Q Always lived with somebody ? A Yes sir.
Q Don't remember where [illegible] that you lived with ?
A I told you I lived with [illegible].
Q That the only person ? A And her children.
Q Do you remember any of her children's names ?
A One named Henry, and [illegible] no other one named Henry. The other children that have spoken to since that I don't know them.

Q Do you know whether that was Mary Mayfield or Nancy Mayfield, or what ? A I think Nancy goes by the name of Starr. They change names so often I can't keep up with their names
Q Do you ever remember seeing an old colored man named Daniel Vann? A Yes sir.
Q You remember him do you ? A Yes sir.
Q Where did he live ? A Daniel Vann?
Q Yes ? A Daniel Vann's dead.
Q Where do you ever remember seeing him ? A I saw him at Fort Gibson the last time I saw him.
Q When was the first time you ever saw him ?
A I saw him when I was quite young.
Q Did you ever live with him ? A Yes sir, I stayed around with them a while, we all lived around together there.
Q Were you ever at the town of Hanson ? A No sir.
Q Did you ever hear of it ? A Yes sir.
Q Were you ever at Muldrew ? A Yes sir.
Q You have been in the town have you ? A Yes sir.
Q Now how far did you live from Muldrew ? A Muldrow, I don't know; about six or seven miles I guess, the way I look at it.
Q Which way did you go; what direction did you live from there ?
A I can't hardly tell you that.
Q You say you have been over at Fort Smith keeping house on Fifth street ? A Yes sir, I stayed there.
Q How long did you say you have been there this time keeping house over there ? A I didn't say how long. You asked me how long I have been in that house.
Q I will ask you again? A I have been there five months I guess.
Q Where did you go from to Fort Smith ? A From this side.
Q At whose place were you living before you went to Fort Smith ?
A I was at Fort Gibson part of the time.
Q At whose place ? A Hanson Jones'.
Q How long had you been living with Hanson Jones ?
A I don't know. Off and on for quite a while.
Q About a month ? A Yes sir, longer than that. How long I been living at Jones' ?
Q This last time before you went to Fort Smith ?
A I don't know.
Q Live there as much as a year ? A Yes sir. Sometimes there and sometimes at my brother's, they were all right there together.
Q What's his name ? A Anderson Penn.
Q Where was your husband all this time ? A Sometimes in Joplin, Missouri, and sometimes in Kansas City.
Q What was he doing ? A Working.
Q What kind of work ? A Working at a packing house.
Q Were you ever in Kansas City ? A No sir.
Q Joplin ? A No sir.

By the Commission: Have you got any more witnesses now you want to introduce ?
A No sir, I haven't got any more now.
Q Are you going to have any more ? A No sir, no more that I know of.

The Commission: The applicant and attorney for the Cherokee Nation will be allowed sixty days from date hereof in which to introduce any testimony that they may deem necessary.

E. E. Burwell, on oath states that he is [illegible] in the foregoing petition in the Ivy Division [illegible] that the statements and allegations [illegible] and that the foregoing is an accurate statement of [illegible] thereof.

E. E. Burwell

Subscribed and sworn to before me this September [illegible], 1933.

B. E. Jones
Notary Public.

4 1902

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Aug 26 1902.
Post Office Fort Smith Ark.
District

1. Name ..... Age .....
Owner's name ..... Citizenship .....
Year ..... Page ..... No. ..... District .....
Parents:
Father ..... Citizenship .....
Mother Sallie Baxter Citizenship .....
2. Name of wife Sallie Baxter Age 20
Owners name ..... Citizenship .....
Year K. C Page 135 No. 3318 District Sah
Parents:
Father ..... Citizenship .....
Mother ..... Citizenship Frank Baxter

Names of Children:

Ernest Baxter Year K. C Page 135 No. 3319 Dist. Sah
Bradie " Year K. C Page 135 No. 895 Dist. "
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... No. ..... Dist. .....
12. ..... No. ..... Dist. .....

Application made by Dowlitzle Stenographer C C Bagwell

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 12, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE CARTER, ET AL/? as Cherokee freedmen.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, W. W. Hastings.

The following testimony was introduced on behalf of the Cherokee Nation.

OSCAR ADAIR, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Oscar Adair.
Q What is your post office? A Sallisaw, I. T.
Q What is your age? A 58.
Q You are a Cherokee by blood? A Yes sir.
Q Were you the son of John Thompson Adair? A I am.
Q Do you remember whether or not they owned a freedman woman by the name of Jincy? A Yes sir.
Q Did Jincy have some children? A Yes sir.
Q What children did she have when the war came up? A She had Cy, the eldest boy, Sib, Sallie and I have forgot the last name. She had two girls younger than Sallie, a little girl.
Q I want to direct your attention particularly to Sallie, what became of Jincy and the members of her family when the war came up? A We refugeed to Texas and took them along I believe in the year 1863, in the fall.
Q What place in Texas did you go? A Bellview, Rusk County.
Q When did you return from Texas after the war? A In the spring of 1866.
Q What became of Jincy and Sallie? A Jincy, with the exception of Cy, the oldest boy, was all left in Texas when we left there.
Q Sallie left there to? A Yes sir, all left there except Cy.
Q Where did you come to in the Cherokee Nation? A We came to Eufaula and stopped over until the fall of '66 then we moved back to our old claim in Going Snake District, Cherokee Nation.
Q Did you afterwards have occasion to go back to Texas? A I had an occasion to go back in 1868.
Q What time of the year? A I believe it was in August and I stayed there until November.
Q 1868? A Yes sir, of 1868, to the best of my knowledge, I know it was in August when I went there.
Q Did you see Jincy and Sallie when you went back to Texas in 1868?
A I saw Jincy and her family, what she had with her.
Q Did you see Sallie? A I saw Sallie, she was a grown.
Q You say you remained there until about November, 1868? A November, about three months sometime near that.
Q Where were these people living when you were there in 1868? A Not very far from a little town called Bellview on a farm. I don't know who owned the farm but my Uncle did own the farm and he sold it.
Q Did you see them more than once while you were there that two or three months? A Yes sir, I saw them several times.

Q Had they ever come to the Cherokee Nation, either Jincy or Sallie, subsequent to the war and before 1868, so far as you know? A They had never left that country to come to this country at all up until that date. She come to me and inquired of her boy that left there.
Q Which boy was that? A Cy.
Q Jincy had been making inquiries about him? A She was making inquiriesabout that oldest boy of hers.
Q Cy had come here? A He came to Fort Smith with my father in the fall of 1866 to that convention and deserted him and went back.
Q Have you ever seen Sallie since 1868? A I saw her at Fort Smith to the best of my recollection in 1889, about that time.
Q Did you have any conversation with her at that time? A yes sir, quite a lengthy one, I asked her what had become of all the family and she said they were all in Texas up to that time but her.
Q Did she say how long she had been here? A That she hadn't been there a great while, that she stopped a little while at Little Rock and hadn't been further west than Fort Smith at that time.
Q Had she ever been in the Cherokee Nation at that time? A No sir, never had.
Q About how long did she say she had been there? A She left an impression upon my mind that she hadn't been there more than six months at the outside.
Q That was your best judgment about 1889? A Yes sir.
Q Have you ever seen her since? A Never have.
Q Your post office is Sallisaw? A Yes sir.
Q That is in Sequoyah District? A Yes sir.
Q How long have you lived in that vicinity? A I have been there perhaps nearly 30 years.
Q About how far do you live from Fort Smith, Arkansas? A We used to call it 25 miles, maybe a little further.
Q Previous to the building of those railroads, the first of which was built in 1867, or 1868, your main trading point was what?
A We had a little store up there but our main trading point was Fort Smith, we used to get stuff for our store there.
Q But your main trading point was Fort Smith? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Are you a Cherokee by blood? A Yes sir.
Q Your father was a Cherokee by blood? A Yes sir.
Q Citizens of the Cherokee Nation at the breaking out of the war?
A Yes sir.
Q Was Jincy ever known by any other name? A We called her for short called her Jence, sometimes we called her Jennie.
Q Was she known by any other name besides Jennie Thompson? A Not to my knowledge.
Q You never heard her called by any other name? A No sir.
Q Do you know the name of the father of her child Sallie? A Yes sir, he belonged to Gus Rider, and his name was Wilse.
Q In what District did your father live at the breaking out of the war? A Goingsnake District.
Q By what name was Sallie known when you met her in Fort Smith the first time after the war? A I don't remember, but she told me her husband's name.
Q Did she say she was married? A She said she had been married, and to the best of my recollection she told me she had one child but I don't exactly know now for certain.
Q You left the State of Texas with your father in the spring of 1866? A 1866.
Q And Sallie was left there when you came away? A Yes sir, with her mother Jincy.

Q Do you know where she went after you left? A Where she went from Texas?
Q Yes? A We left her there and I don't know whether she went anywhere.
Q She was there when you returned after that? A Yes sir, she was there in 1868?

W I T N E S S E X C U S E D .

W. T. HARNAGE, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q Your name is W. T. Harnage? A Yes sir.
Q How old are you? A 58.
Q What is your post office? A Tahlequah.
Q You are a Cherokee by blood? A Yes sir.
Q Did you know John Thompson Adair prior to the war? A Yes sir.
Q Were you in any way related to his wife? A Yes sir, she was my Aunt.
Q Did you know them in Texas during the war? A Yes sir.
Q Did you know a slave that belonged to them when the war came up by the name of Jincy? A Yes sir.
Q Did she have some children? A Yes sir, had two or three.
Q Do you remember any of their names? A She had one by the name of Cy, and a boy named Sid, I think, and Sallie and some more children, I don't recollect all their names.
Q When did you leave the State of Texas first after the war? A I left there in the fall of 1866.
Q Do you know where Jincy and these children were when you left?
A Yes sir, they were there in Texas.
Q Did you have any occasion to go back to Texas after you came back here in the fall of 1866? A Yes sir, I went back the next spring, April or May.
Q Of 1867? A Yes sir.
Q Did you see Jincy and the members of her family upon your return to Texas in 1867? A Yes sir, they were there.
Q Do you remember of seeing Sallie? A Yes sir, she was there with her mother.
Q How long did you remain in Texas when you went back in 1867? A I stayed there then until about 1871 or '72.
Q Do you know what became of Jincy and Sallie and the other members of her family? A They moved off from the neighborhood and I don't know what become of them after that, but they stayed in that neighborhood a few years and then moved off up about Oakland.
Q That was in Texas? A Yes sir.
Q You say they stayed in that neighborhood a few years? A Yes sir.
Q Have you ever seen Sallie since? A No sir.
Q Well when you came back in 1871 or '72, about what part of the Cherokee Nation did you come and where did you locate? A Sequoyah District, close to Fort Smith.
Q About how far from Fort Smith? A About three miles.
Q In the bottom on this side? A Yes sir.
Q And how long did you live down in that locality? A I lived there 8 or 10 years.
Q You never saw Sallie there? A No sir.
Q You lived there then until somewhere up about 1880? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Do you know what Sallie's name is at the present time? A No sir.

Q. Do you know of your own knowledge whether she left the State of Texas and returned to the Cherokee Nation in 1902? A I don't think she did.
Q. If she did you don't know it? A No sir.
Q. Was her mother known by any other name besides Jinny? A That is all I ever knew her by.
Q. By what surname was she known? A Well I don't know what surname she took.
Q. Did you know the name of Sallie's father? A No sir.

WITNESS EXCUSED.

The Cherokee nation announces it has no further testimony to introduce in this case, this case will be closed and a decision rendered on the evidence heretofore introduced.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 31st day of July, 1906.

Chas E Robertson

Notary Public.

C76

Cherokee freedman D 1336

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Carter, et al., as Cherokee freedmen.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on August 26, 1903, Sallie Carter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor children, Ernest and Trudie Carter, as Cherokee freedmen. The records further show that said applicants and the attorneys for the Cherokee Nation were notified by registered mail on June 21, 1906, that the case would be taken up for further consideration on July 12, 1906, and that on July 12, 1906, further proceedings were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Sallie Carter, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said rebellion she was taken from the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The evidence further shows that the minor applicants herein, Ernest and Trudie Carter, are children of the said principal applicant, Sallie Carter, and that Frank Carter, a non citizen of the Cherokee Nation; that they were born since the close of the rebellion and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said mother.

IT IS THEREFORE CONSIDERED AND ADJUDGED: That under the provisions of section twenty-one of the act of Congress approved June 28, 1906 (34 Stat. 495) Sallie Carter, Ernest Carter and Trudie Carter are not entitled to enrollment as Cherokee freedmen and their application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this OCT 6 1906

COPY

Refer in reply to the following

LAND:
89556-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 6, 1906, transmitting the record relative to the application of Sallie Carter, et al., for enrollment as Cherokee freedmen.

On August 26, 1902, Sallie Carter applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her children, Ernest and Trudie Carter as Cherokee freedmen.

On October 6, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The record shows that Sallie Carter was a slave of a Cherokee citizen and at the commencement of the civil war was taken from the Cherokee Nation and did not return to that nation within the time specified in section 3 of the act of April 26, 1906 (34 Stat. L.,137).

As the minor applicants are the children of Sallie Carter and Frank Carter, a non-citizen, and were born since the close of the civil war and possess no right to be enrolled as Cherokee freedmen other than that derived from their mother, the decision

of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

HRD

C

Cherokee Freedmen

D-1336.

Muskogee, Indian Territory, February 7, 1906.

Sallie Carter, (Colored),

Fort Smith, Arkansas.

Dear Madam:

In connection with your applicationmfor the enrollment of yourself and Ernest and Trudie Carter as Cherokee freedmen, you are advised that before your right can be determined it will be necessary that further testimony be introduced as to whether or not you were a slave of a Cherokee citizen at the commencement of the war of the rebellion or a free colored person residing in the Cherokee Nation at the commencement of said war, and as to your residence during said war and thereafter.

You are, therefore, hereby notified that you will be permitted to appear before a field party of this office at Fort Smith, Arkansas, at nine o'clock A. M., on Wednesday, February 14, 1906, for the purpose of introducing testimony as above indicated. You will be advised of the place of hearing upon inquiry of the postmaster of Fort Smith, Arkansas, on that date.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee Freedmen

D-1336.

Muskogee, Indian Territory, February 7, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that Sallie Carter of Fort Smith, Arkansas, has this day been notified that she will be permitted to appear before a field party of this office at Fort Smith, on Wednesday, February 14, 1906, at nine o'clock A. M., for the purpose of introducing further testimony as to the right to enrollment of herself and Ernest and Trudie Carter as Cherokee freedmen.

Respectfully,

LS

Acting Commissioner.

Cherokee
F D 1256

Muskogee, Indian Territory, August 1, 1906.

W. W. Hastings,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, July 12, 1906, in the matter of the application for the enrollment of Sallie Carter, et al., as Cherokee freedmen.

Respectfully,

Incl. Gl-61,
GRL

Commissioner.

COPY

Muskogee, Indian Territory, October 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sallie, Ernest and Trudie Carter as Cherokee Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated October 6, 1906, rejecting said application.

Respectfully,

Encl.H.J.-82.
H.J.C.

(signed) Tams Bixby

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee
F.D.1336

COPY

Muskogee, Indian Territory, October 6, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated, October 6, 1906, rejecting the application of Sallie Carter, for the enrollment of herself and children, Ernest and Trudie Carter, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. The Secretary's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-81.
H.J.C.

(SIGNED) Wm. O. Beall
Acting Commissioner.

Cherokee F.
D. 1336

COPY

Muskogee, Indian Territory, October 6, 1906.

Sallie Carter,

Fort Gibson, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and children, Ernest and Trudie Carter as Cherokee freedmen, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 6, 1906, rejecting said application.

The decision, together with the record of proceedings had in the case, had this day been forwarded to the Secretary of the Interior for his review and decision. The Secretary's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H.J.-80.
H.J.C.

Register.

(SIGNED) Tom B. Needles
Acting Commissioner.

CRW

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.1790-1907.

L.R.S.

February 8, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 6,1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Sallie, Ernest, and Trudie Carter as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 26, 1906 (Land 89556), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee F
D 1336.

Muskogee, Indian Territory, February 19, 1907.

Sallie Carter,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 6, 1906, denying the application for the enrollment of yourself and children, as Cherokee freedmen was affirmed by the Secretary of the Interior, February 8, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-99.
HJC

Commissioner.

Cherokee F.
D 1336.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 6, 1906, denying the application for the enrollment of Sallie Carter, et al. as Cherokee freedmen was affirmed by the Secretary of the Interior, February 8, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-100.
HJC

Commissioner.

Cher Fr R 1257

Trans. from Cher Fr D 1337

Cher Fr R 1257

R.
Cher. Fr. D-1335.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 30, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of CAROLINE WHITMIRE as a Freedman citizen by intermarriage of the Cherokee Nation.

TOM WHITMIRE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Tom Whitmire .
Q How old are you? A About forty.
Q What is your post office address? A Hayden.
Q Are you a Cherokee Freedman? A Yes sir.
Q Have you been enrolled by this Commission as such? A Yes sir.
Q For whom do you desire to make application?
A For my wife, Caroline Whitmire.
Q How old is your wife? A She is about forty-three.
Q Her post office address is the same as yours? A Yes sir.
Q In what district does she live? A Coowescoowee.
Q Do you make application for ~~xxx~~ her enrollment as a citizen by intermarriage? A Yes sir.
Q You claim citizenship for her by reason of her marriage to you?
A Yes sir.
Q When were you married to her? A About eighteen years ago.
Q Have you your marriage license and certificate with you?
A No sir, haven't got any. Married by a preacher, and haven't got any.
Q You have no witnesses at present as to your marriage with her?
A I could get witnesses that I have been living with her eighteen years, here in town.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times was she married before she married you?
A I don't know whether it is once or twice. I think it was twice.
Q What was the name of her first husband? A Watson.
Q What was the name of her second husband? A Lynch.
Q Was Watson living when she married Lynch? A I don't know. She was in the states then when she had this Watson.
Q Were either Watson or Lynch living when she married you?
A I don't know. Lynch was living. I don't know anything about Watson.
Q Had your wife been divorced from Lynch and Watson when you married her? A I suppose she was.
Q Have you any evidence of her divorce from them? A No sir.
Q When were you and your wife Caroline married? ?
A As near as I can tell, about along in the spring of the year, I think it was about eighteen years ago, something like that, eighteen or nineteen. I don't know whether it was in 1884 or 1885, somewhere along there.
Q Have you and your wife lived together continuously since your marriage? A Yes sir.
Q Does your wife's name appear upon any of the rolls of the Cherokee Nation? A I don't think it does.
Q Have you any children by your present wife Caroline?
A No sir. It may appear upon the Government census roll, but I don't think it appears upon any of the Cherokee rolls at all. Because I tried to enroll her in 1896, and the census taker in that district said I could not adopt a person from the States. Against the Constitution or something like that, so I didn't urge him to put it down. I just let it go. I had my own name registered.
Q Your wife is living, is she? A Yes sir.

[illegible]

[illegible]

Subscribed and sworn to before me this 10th day of [illegible]

Cherokee Freedman
D-1337

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Caroline Whitmire for enrollment as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on August 30, 1902, Tom Whitmire, appeared before this Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife, Caroline Whitmire, as a citizen by intermarriage of the Cherokee Nation.

The record herein shows that Caroline Whitmire claims her right to enrollment as a citizen by intermarriage of the Cherokee Nation by virtue of her marriage to Tom Whitmire, whose name (as Thomas Whitmire) appears as No. 2363 upon the lists prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen, and approved by the Secretary of the Interior January 16, 1903.

The record further shows that the applicant herein makes no claim for enrollment as a citizen of the Cherokee Nation other than by intermarriage.

It does not appear that the applicant herein has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcome, (I.T.D.5848-1904, 11776-1904), the application made for the enrollment of Caroline Whitmire, as a citizen by intermarriage of the Cherokee Nation, should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 30 1905

COPY.

Cherokee Freedmen

D-1337.

Muskogee, Indian Territory, March 30, 1905.

Caroline Whitmire,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee citizen by intermarriage, together with a copy of the Commission's decision dated March 30, 1905, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-14.
Register.

COPY.

Cherokee Freedmen

D-1337.

Muskogee, Indian Territory, March 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 30, 1905, rejecting the application for the enrollment of Caroline Whitmire as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. 8-16,

COPY.

Cherokee Freedmen
D-1337.

Muskogee, Indian Territory, March 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Caroline Whitmire as a Cherokee citizen by intermarriage, including the Commission's decision dated March 30, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-16

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land
24907-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, April 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 30, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation by Caroline Whitmire.

March 30, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment by virtue of her marriage to Tom Whitmire, whose name appears as No. 2363 on a list of Cherokee Freedmen approved by the Department January 16, 1903. She makes no claim for enrollment other than by intermarriage.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D.C.53539-1906. Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LLB.

I.T.D.3628-1905.

December 3, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Caroline Whitmire as a citizen by intermarriage with a Cherokee freedman, including its decision of the same date, adverse to the applicant.

Reporting April 8, 1905 (Land 24907), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee F.
D 1337

Muskogee, Indian Territory, December 17, 1906

Caroline Whitmire,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated March 30, 1906, denying your application for enrollment as a citizen of the Cherokee Nation by intermarriage with a Cherokee freedman, was, on December 3, 1906, affirmed by the Secretary of the Interior.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-81

Commissioner

Cherokee Freedmen
D 1357

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated March 30, 1905, denying the application for the enrollment of Caroline Whitmire as a citizen of the Cherokee Nation by intermarriage with a Cherokee freedman, was, on December 3, 1906, affirmed by the Secretary of the Interior.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl. B-82

Commissioner

Cher Fr R 1258

Trans. from Cher Fr D 1341

Cher Fr R 1258

FEB 16 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 15, 1905.

MEMORANDUM PROCEEDINGS had in the alleged application for the enrollment of MARTHA HAYNES as a Cherokee Freedman.

MARTHA HAYNES, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Martha Haynes.
Q How old are you? A About 54 year old, some where along there.
Q You claim you are a Cherokee Freedman? A Yes sir.
Q Did you ever appear before the Commission before today? A No sir not this Commission I haven't, I haven't been able to you know.
Q Didn't appear before this and make application? A No sir I never have made application before this.
Q Anybody make it for you? A No sir, I sent word that I wasn't able to come.
Q Sent word by whom? A To Mr. Needles.
Q Where? A Up to Vinita.
Q But you never appeared? A No sir I wasn't able to.
Q Did you write a letter to him? A Yes sir.
Q From where? A From Muskogee.
Q Did you get an answer to it? A Yes sir.
Q Where is that letter? A My husband has got it.
Q You want to offer this letter in evidence? A Yes sir.

Applicant offers in evidence a letter from the Commission, dated Vinita, Indian Territory, May 21, 1901, addressed to Mrs. Martha Haynes, c/o Wiley Haynes, Muskogee, Indian Territory, and signed by T. B. Needles, Commissioner. Same is filed herewith and marked Exhibit "A."

Q After you get this letter did you appear before the Commission anywhere? A No sir.
Q Why didn't you? A I wasn't able to.
Q Where have you been living since May 21, 1901? A Right here in Muskogee.
Q Have you ever lived away from Muskogee? A I did go off and stay a little while for my health but I come back.
Q When did you go away? A A good while ago about two or three years, just stayed a year.
Q Why didn't you send your husband up here? A I did.
Q Did he come? A Yes sir he come.
Q You don't know about it yourself, you didn't come with him?
A No sir I come the next day or two after that.
Q When was that? A Day before yesterday.
Q That was the first time you ever come before the Commission?
A Yes sir.

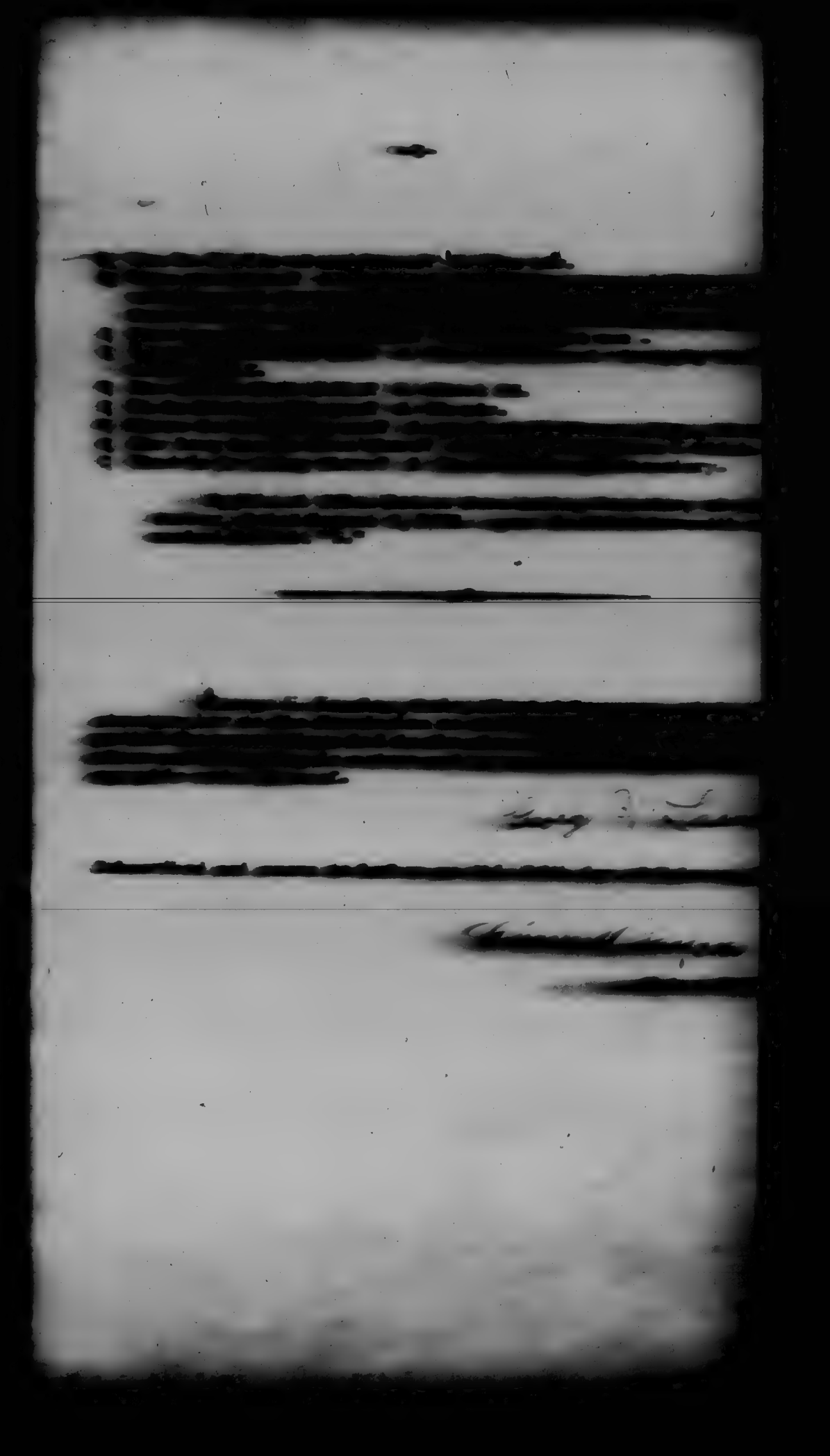
WILEY HAYNES, being first duly sworn, testified as follows:

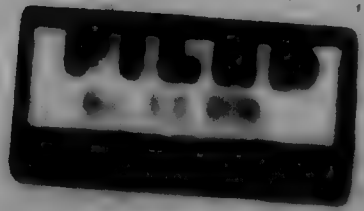
BY THE COMMISSION:
Q What is your name? A Wiley Haynes.
Q Where do you live? A Here in Muskogee.
Q Did you ever apply to the Commission for the enrollment of your wife? A Yes sir me and her both went over to Fort Gibson.

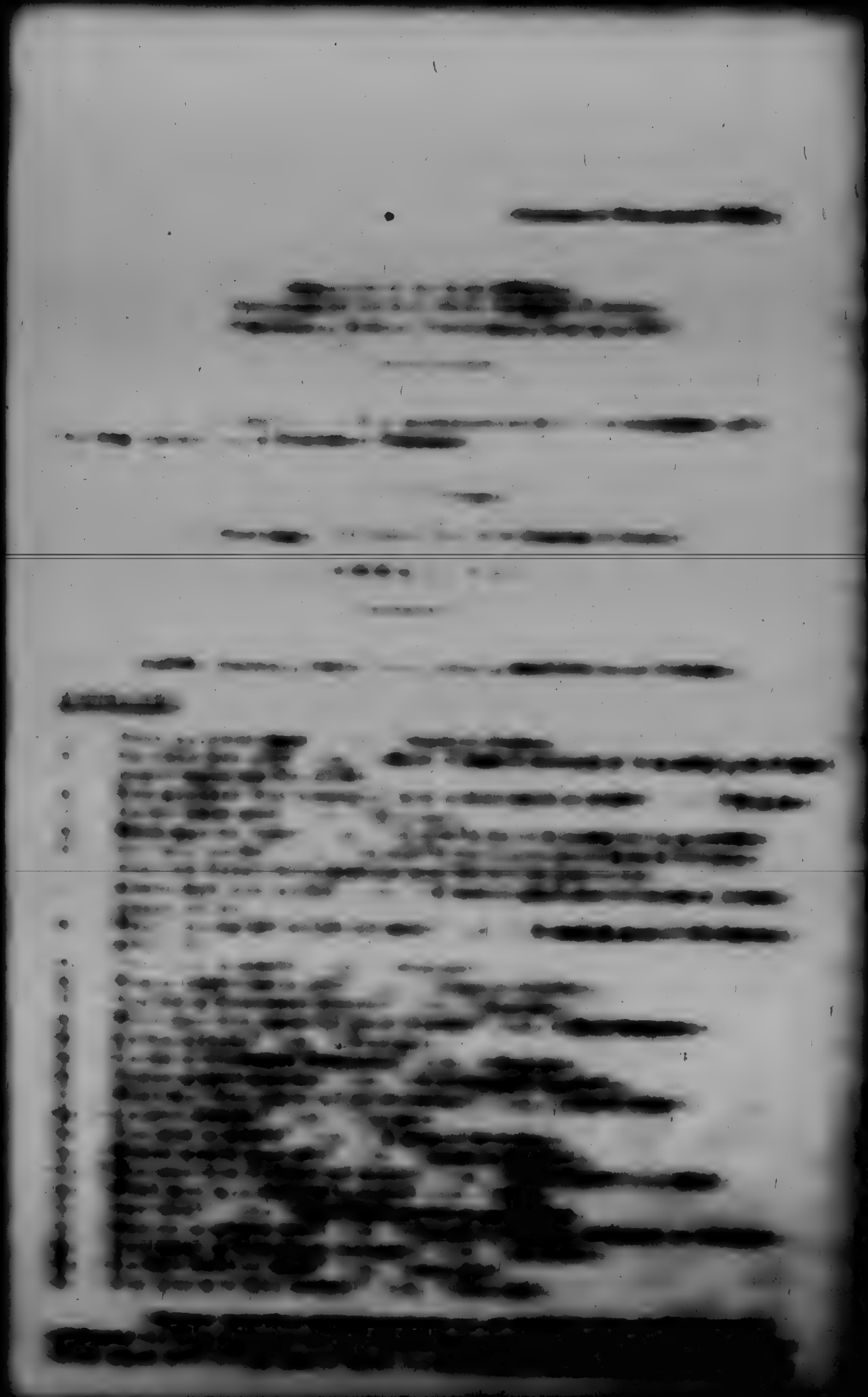
Q When was that? A In 1901.
Q How old are you? A 32.
Q Are you married? A Yes sir.
Q Who is your wife? A The applicant, Martha Haynes.
Q Did you ever make application for your wife as a Cherokee Freedman? A Yes sir.
Q Where? A We first went over to Fort Gibson.
Q When did you go there? A In 1901.
Q What month was that? A I couldn't exactly tell but I think it was sometime in the spring.
Q Who went with you? A My wife here.
Q Before whom did you appear? A Before Mr. Needles over there at Fort Gibson.
Q Wouldn't Colonel Needles hear you? A She didn't have any witnesses right at present.
Q What did he say? A He said we would have to wait until we got our witnesses, and after that my wife taken sick and of course the Court held at Fort Gibson awhile and then it went from there up to Vinita and so I written them a letter that my wife was sick, wasn't able to meet with them up there, and he wrote back to me that if she wasn't able to meet up there to meet down here, and when he got down here she was sicker and I saw her health wasn't goo and I took her to Colorado for her health.
Q How long did you stay out there? A About a year and a half, maybe two years.
Q When did you start for Colorado? A I think in the Spring of 1902.
Q You were notified by Colonel Needles that you could appear here anytime after September 1, 1901, at Muskogee, why didn't you appear? A I didn't care to appear without my wife, she wasn't able to appear with me.
Q You were living in Muskogee at the time? A Yes sir.
Q And have lived here ever since? A Yes sir.
Q What have you been doing all this time since the spring of 1902?
A I told you, and when I came back I have been back for about three months now.
Q Why didn't you come up right away after you came back? A I didn't know the court was in session.
Q When did you find out? A Two or three weeks ago.
Q Didn't you know the rules have been closed for about three years? A No sir I didn't.

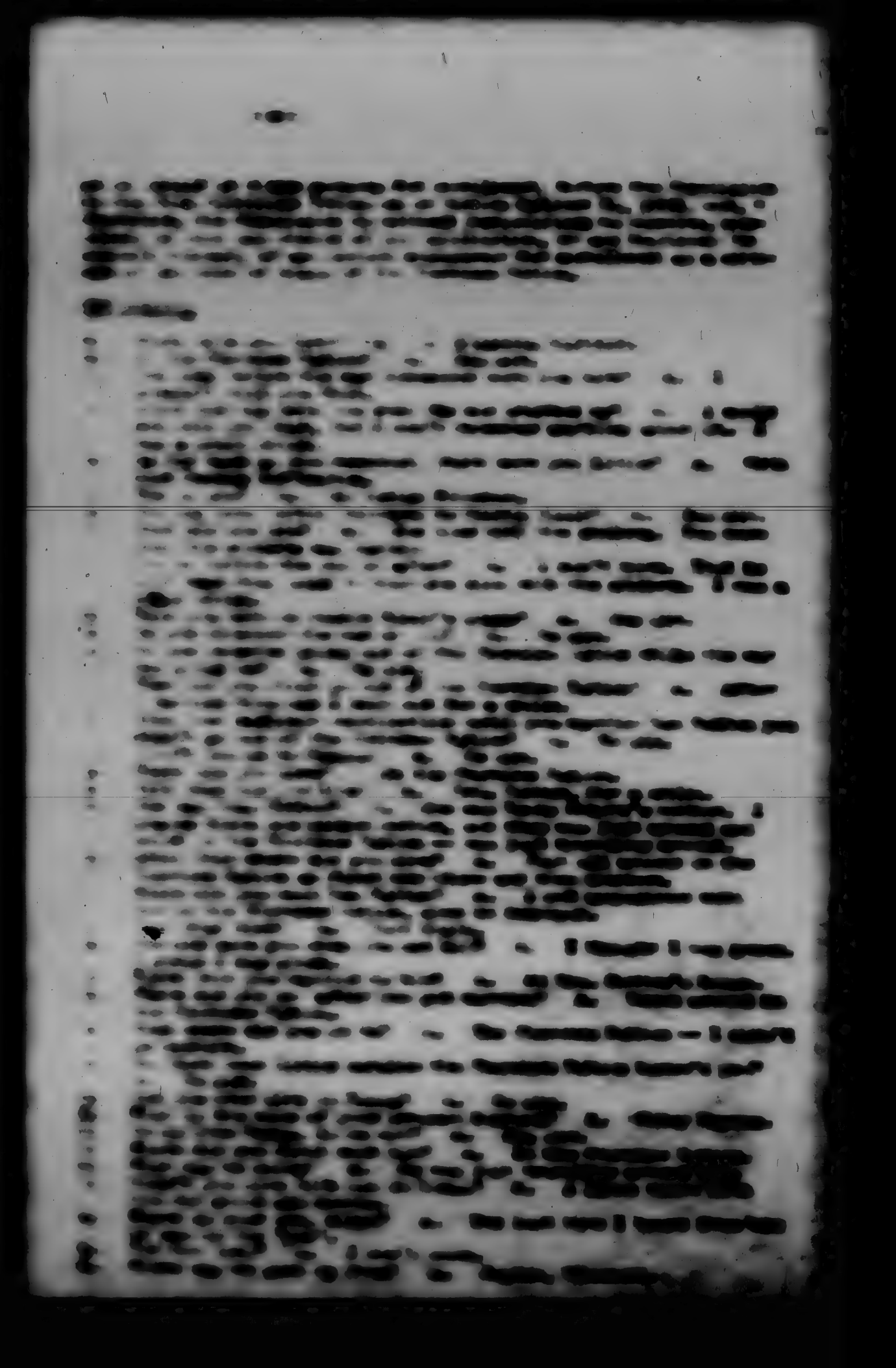
MARTHA HAYNES, being recalled, testified as follows:

BY THE COMMISSION:
Q Did you go to Fort Gibson four years ago? A Yes sir I went to Fort Gibson.
Q Why didn't you tell me that before? A I did tell you I went to Fort Gibson, and you didn't ask me if I went before Mr. Needles.
Q When was that? A I don't know how long before then.
Q When I asked you in the beginning whether or not you appeared before the Commission, you said no? A Yes I thought so whether I went over to Fort Gibson, you never asked that.
Q Where did you see Mr. Needles at Fort Gibson? A Down in the settlers.
Q Was he fishing or what was he doing? A Shooting I guess.









[illegible] A. He agreed with me [illegible] enough to work, and then he left me and got [illegible] got here on trouble we have to be [illegible]

[illegible] A. I don't know any [illegible] A. 6 years as near as [illegible] A. I s sir. [illegible] A. Last year.

[illegible] A. No sir. [illegible] A. To the best of my [illegible] A. About 12 years. [illegible] A. Yes, he has just been [illegible] A. Joplin. He wouldn't [illegible] that he was sent to the "pen"? [illegible] A. He was a [illegible] A. I call him Allen Haynes, because [illegible] A. I don't live there. He [illegible] A. No sir. [illegible] A. He wasn't born at that time. [illegible] A. He was born at Mrs. Wright's, [illegible] A. I don't know. [illegible] A. Everybody [illegible] A. No sir. [illegible] A. In the Cherokee Nation. [illegible] A. In Sequoyah. [illegible] A. Three miles. [illegible] A. No nearer than [illegible] A. [illegible] A. No sir. [illegible] A. I don't know. I was her son up to [illegible] A.

Q. How long had you been there before the child was born? A. Two or three years -- not all the time at this place, but at first one place and then another.
Q. Where else did you stay? A. Sometimes at Rhoda Harnage's.
Q. What kind of a house did Mrs. Wright live in? A. In a log house.
Q. On which side of the river? A. On the Cherokee Nation side.
Q. Which side was that -- north, east, south, or west? A. I don't know what side it was.
Q. Do you mean to tell this commission that you lived in that community that long and yet have forgotten on which side of the river it was? A. Yes sir, it has been a long time, and I don't remember.
Q. Who have you got here as witnesses? A. Aunt Senia Brewer.
Q. When did you first see her? A. About 12 or 13 years ago.
Q. Was that the first time you ever saw her? A. No sir.
Q. When was the first time? A. I couldn't tell you how long it has been.
Q. That is your best judgment as to when you first saw her? A. It has been a good number of years -- 18 or 20 years ago.
Q. That was the first time you ever saw her? A. Yes sir.
Q. Where did you see her? A. In the Pines close to Fort Gibson.
Q. Was this boy born then? A. Yes sir.
Q. That was the first time you saw her? A. Yes sir.
Q. How old was he? A. He was a good sized boy.
Q. You have just said that Allen is now only 16 years old. What other witnesses have you out there? A. Ellis Grimmett.
Q. How long have you known him? A. All my life. He is my father's brother.
Q. How old were you when the war came up? A. I don't remember anything about the war at all.
Q. You have given your age at 54, and that would make you 10 or 11 years old when the war came up? A. I don't know my age.
Q. Who was your owner? A. George Blair was my mother's owner.
Q. Who was your owner? A. I followed my mother and father's side.
Q. You do not know anything about the war? A. No sir.
Q. Do you remember George Blair's wife's name? A. No sir.
Q. Did they have any children? A. I guess they did.
Q. Do you remember them? A. No sir.
Q. Have you ever heard that they had any children? A. My aunt said they had some.
Q. After the war where did you go? A. I found myself in the Cherokee Nation.
Q. What part of the Cherokee Nation? A. Sequoyah and Illinois Districts.
Q. Where were you living when you can first remember after the war? A. In Illinois.
Q. What place in Illinois? A. On my aunt's place.
Q. As I don't happen to know where your aunt's place was, I will have to ask you near what town it was? A. Near Tahlequah.
Q. Don't you know that Tahlequah is not in Illinois District? A. It ought to be.
Q. How far did you live from Tahlequah? A. I don't know.
Q. What direction? A. We lived between Tahlequah and Fort Gibson.
Q. Were you living on any river? A. Right on the Arkansas River.
Q. How far did you live from the Arkansas river? A. About 5 or 6 miles.
Q. And Tahlequah was the nearest town to you? A. Yes sir.
Q. You swear that? A. Yes sir.
Q. Dont you know that there is no point that you could possibly think of that would make Tahlequah nearer than Fort Gibson to

the Arkansas river? Who was living around there? A. There was lots of colored people -- lots of Vanns.
Q. Name one of them? A. I have done forgot that woman's name -- Ben Vann and Bill Vann.
Q. Were they Cherokees or freedmen? A. Freedmen they said.
Q. They don't happen to be living now? A. No sir.
Q. Where were they living? A. In the bottom.
Q. Did you live in the bottom, too? A. No sir, I lived on the hill.
Q. How far was it from the Arkansas River? A. I guess 3 or 4 miles.
Q. What aunt was that you lived with? A. Aunt Dorcus Buffington.
Q. Have you got her here as a witness? A. No sir, she is blind and is very old.
Q. When did you see her last? A. Not since we enrolled over at Fort Gibson.
Q. Did you ever apply to the Kerns-Clifton Commission to be enrolled? A. Yes sir.
Q. And draw money? A. Yes sir.
Q. How much did you draw? A. I don't know how many dollars it was, but I drawed it.
Q. Was it $13.14? A. I don't know.
Q. Was it $26.28? A. I don't know. It was as much as the freedmen drawed.
Q. Was it as much as $29.00? A. It was more than that.
Q. How much did you draw? A. It was as much as they was paying then.
Q. How much? A. I couldn't tell you that. I drawed all the way through.
Q. When did you draw before? A. I have drawed all the way through.
Q. You are swearing that now? A. Yes sir.
Q. You never drew a cent of money in your life? A. I shore has
Q. When did you draw last? A. I think they called it the Clifton money.
Q. How much did you draw? A. I can't tell you how much it was.
Q. You have never been in the insane asylum have you? A. No sir.
Q. How much money did you draw? A. It would be a rough guess.
Q. Was it $1000,00 ? A. No sir.
Q. Was it $999.00? A. I don't think it was quite that much.
Q. How much did you draw? A. I don't know.
Q. About how much did you draw? A. I would have to make a rough guess. A. At this last payment, you mean?
Q. Yes? A. At the last payment -- it was the bread money, and I couldn't tell you how much money it was. I have done forgot. I have heard them say, but I have forgot. I aint no counter.
Q. How come your boy to go to Joplin when he was four years old? A. He didn't go when he was four years old.
Q. How long did you live with your aunt Dorcus? A. It was a good while.
Q. About how long? A. Two or three years, and then I went on down to Sequoyah, and then around in the Cherokee nation just traveling around.
Q. You just lived about and about and about in the Cherokee Nation and about and about? A. Yes sir, and then I married this man man and he was sick and I went to traveling around with him.
Q. You never went to Aunt Dorcus' to live until after your child was born? A. No, he was born after I left Aunt Dorcus'.
Q. Did you have any children when you lived with her? A. No sir.
Q. Were you married? A. No sir.
Q. Who did you live with before you lived with your aunt Dorcus? A. I never lived weth no one only just my mother and sister.

mother.
Q. What was your grandmother's name? A. Sylvia Grimmett.
Q. Is she living? A. No sir.
Q. Is your mother dead? A. Yes sir.
Q. Where did you meet this man Haynes? A. In the Territory.
Q. Where did you meet him? Did you meet him just about and about? A. I met him in Sequoyah.
Q. At whose house? A. Mrs. Wright's.
Q. I thought you said she was dead long ago? A. She died after I left her house.
Q. When did you meet him first? A. I tell you I met him down there in the Cherokee Nation.
Q. What year was it? A. I don't know.
Q. Was it a year or six months ago? A. Longer than that.
Q. About how long? A. I don't know.

(I ask that this witness be compelled to answer these questions. If this is to be a fair investigation, this witness ought to be told to answer these questions.)

Q. Tell us about how long ago you met this Wiley Haynes? A. I met him in the Cherokee Nation?
Q. Yes, you met him in the United States -- you met him in the world, but how many years ago? A. About -- I can make a rough guess at it and say 25 years ago. I don't know, and am just making a rough guess.
Q. You have a boy, Allen, 16, havent you? A. I made a rough guess at his age.
Q. And this boy was born before you knew Haynes? A. Yes sir. He was a little boy when I married Haynes.
Q. You told me he was 16 years old, didn't you? A. Yes sir.
Q. How old was he when you and Haynes married? A. He wasn't more than a year old, for he was just walking.
Q. And that was the first time you ever saw Haynes? A. No, I had seen him before.
Q. When before? A. A month or two before then.
Q. You married him a month or two after you saw him first? A. Yes sir.
Q. Where did you marry him? A. At Mrs. Wrights.
Q. When did she die? A. After I left there.
Q. Where did you go to after you left Aunt Dorcus'? A. Down in Sequoyah.
Q. To whose house? A. Mrs. Wright's.
Q. And then you married? A. Yes sir.
Q. What did you do the rest of your life -- 10 or 15 years that you do not give any account of? A. I don't know.
Q. How long have you been in Muskogee? A. I couldn't tell you. I can make a rough guess at it, and say that I have been here about 12 or 13 years.
Q. Where did you come from when you came to Muskogee? A. Canadian District.
Q. Near what place? A. Not far from Mrs. Hailey's.
Q. How long had you been there? A. I couldn't tell you how long
Q. Was it a thousand years? A. I don't guess it was a thousand I guess I had been living there often and on for 15 years.
Q. Who did you live with? A. I lived on the Garland place, and with Jeff Raler, and from there to a farm of my own.
Q. With whom were you living? A. My husband.
Q. You lived there 15 years, and have lived in Muskogee 12 or 13 years? A. Yes sir.

COMMISSION:

Q. Under what name did you draw the money on the Kellogg roll? A.

Some called me Mary.

Q. In what District were you living at the time of the Wallace payment? A. In Canadian District.

Q. Where were you living at the time of the Kern-Clifton payment? A. In Canadian District.

(The names of both the applicants are identified upon the Wallace pay roll, numbers 2445 and 2446, Canadian District, and are also identified upon the Kerns-Clifton pay roll, Canadian District, numbers 3377 and 3378, respectively.)

Q. Have you got any brothers and sisters? A. Yes sir.

Q. What are their names? A. Mary Grimmett, Jane --I don't know her married name, but her name was Jane Grimmett, and a brother by the name of Bennie Grimmett?

Q. Where does he live? A. Up at Nowata with my father.

Q. Is your brother older or younger than you? A. Younger.

Q. Is your father living? A. Yes sir.

Q. Where? A. In Nowata.

Q. Whose slave was he? A. Bill Grimmett's.

Q. You say your father is living now? Yes sir.

Q. Did you ever live with your father? A. Yes sir.

Q. How long? A. Just a little while and then Aunt Dorcus Buffington took me.

Q. When you lived with yourfather, were your father and mother living together ashusband and wife? A. No sir, my mother was dead.

Q. Your father and mother were never married, were they? A. I suppose so.

Q. Are your sisters and brother of the same mother? A. Yes sir.

Q. Are they older or younger than you? A. My sister Mary is older than I am.

WITNESS EXCUSED.

Ellis Grimmett being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Ellis Grimmett.

Q. Are you a freedman? Yes sir.

Q. Have you taken an allotment of land? A. Yes sir.

Q. Do you know the applicant, Martha Haynes? A. Yes sir.

Q. How long have you known her? A. I have known her for quite a while.

Q. How old are you? A. About 62.

Q. You remember the war, do you? A. Yes sir.

Q. Do you remember her about the time of the war? A. No sir, I don't.

Q. How soon after the war did you get acquainted with her? A. I heard of her a good many times before the war, but I never saw her.

Q. When did you first see her? A. The first time I saw her she was just about a baby, and then I never saw her any more till 8 or 9 years ago.

Q. At that time, when you saw her as a baby, where was she living? A. At Fort Gibson.

Q. Who was she living with? A. Her mother, Lina Blair.

Q. Was her mother a slave? A. Yes sir.

Q. Whose slave was she? A. She belonged to Betsy Blair, she married a man by the name of Lowery.

Q. What were they doing in Fort Gibson -- was Betsy Blair living

in Fort Gibson? A. No sir she didn't live there, but that was during the war, and all the colored folks was there.
Q. She wasn't living there with her master in Fort Gibson? A. No sir.
Q. Did this woman go out of the Cherokee Nation during the war? A. I don't know.
Q. Did her mother go out? A. I don't know, positive, but she died there.
Q. Who is the father of this applicant? A. Ben Grimmett they say.
Q. Do you know whether Ben Grimmett and Liza Blair lived together before the war? A. Yes sir, they did.
Q. How many children did they have? A. Five or six.
Q. What were their names? A. Bennie, Mary, Rachel, Jane, Sarah.
Q. What are their names now? A. Mary is named Haynes, Rachel is named Digus, Jane -- I don't know her married name. I am not acquainted with her husband, and Sarah -- I can't tell what her name is.
Q. Were all of these children by the same father and mother? A. They were supposed to be.
Q. Were they all born before the war? A. Outside of this one, they was all born before the war, and this one must have been born just about the beginning of the war.
Q. Do you know anything about where she has been living? A. No sir.

MR. HASTINGS:

Q. You have not seen her till 8 or 9 years ago, since she was a baby? A. No sir.
Q. You don't know whether this is the baby you saw or not? A. No, that is just what they say.
Q. About how old and how large was she when you saw her during the war? A. She might have been 8 or 9 months, or maybe a year old.
Q. This woman testifies that she was born in '61, and that she was 10 or 11 years old when the war began. If that is true, this cannot be the same woman, can it? A. I think the child I saw was not more than a year old.
Q. Do you know how long the war had been going on when you saw the child? A. Not more than a year.
Q. You saw this woman there with a child in '63? A. Yes sir.
Q. And if this woman is much older than that, it could not be the same one? A. No sir.
Q. And you never saw her again until 8 or 9 years ago? A. No sir.
Q. Where did you see her then? A. At Nowata.
Q. Was she living there? A. I don't know whether she was living there or not. I just met her and talked a while.
Q. Where did you live after the war? A. At Bluejacket.
Q. Did you ever live around Fort Gibson and Tahlequah? A. No sir.
Q. Was she living with this man Haynes when you saw her 8 or 9 years ago? A. Yes sir.
Q? Do you know anything about this boy, Allen? Have you ever seen him? A. No sir.

WITNESS EXCUSED.

Senia Brewer, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Senia Brewer.
Q. You are a Cherokee Freedman, I believe? A. No sir.
Q. A Cherokee? A. Yes sir.
Q. How old are you? A. I am 60.
Q. Do you know Martha Haynes? A. Yes sir.
Q. When did you first see her, or first get acquainted with her? A. She was quite small when I got acquainted with her. I met her mother when she was a little bitty thing-- just a baby.
Q. What was her mother's name? A. Liza.
Q. What was her other name? A. Liza Blair.
Q. Was she living with anybody at that time? A. Living with Ben Grimmett -- that was her father.
Q. He was a freedman, wasn't he? A. Yes sir.
Q. You remember the war, don't you? A. Yes sir.
Q. Did you see her about the time of the war? A. Who -- this woman here?
Q. Yes? A. No sir.
Q. You saw her when she was a little child? A. Yes sir.
Q. When was that? A. The time her mother died.
Q. Since then how often have you seen her? A. She was small when Aunt Dorcus took her to raise, and the next time I saw her she was married.
Q. You cannot say positively, can you, that this is the same woman? A. Yes sir.
Q. You lost track of her , didn't you, for a good many years? A. No sir, I always knowed her and her people -- her mother.
Q. You didn't see her from the time she was a little child till she was married? A. No sir.
Q. What was her husband's name? A. I don't know her first husband's name.
Q. Who was she living with when you met her again? A. Wiley Haynes.
Q. How long ago? A. I don't know.
Q. Do you know anything about her boy, Allen? A. Yes sir, I know him.
Q. When did you see him? A. I don't know -- 4 or 5 years ago.
Q. Where is he? A. I don't know.
Q. Is Dorcus Buffington living? A. Yes sir?
Q. Where? A. On 14 Mile Creek.
Q. What is her post office, or trading point? A. I don't know.

MR. HASTINGS:

Q. When did you first see that child you spoke of? A. When her mother died.
Q. That was after the war? A. Yes sir.
Q. You never saw this child before the war? A. No sir, she was about a baby when I saw her.
Q. How old was she? A. Not over a year old.
Q. Then if she was born in '51 and was 10 or 11 years old when the war closed, this is not the one, is it? A. No sir, she was a baby when the cholera was there.
Q. Then if this woman was 10 or 11 years old then, it is not the same one? A. No sir.
Q. How long after that was it till you saw her again? A. I dont know. I never keeps no account of the years.
Q. Was it 20 years? A. Yes sir, I expect so.
Q. Where have you been living? A. In Fort Gibson, Tahlequah, Muskogee, and around.
Q. Where do you live now? A. In Muskogee.
Q. How long have you been living here? A. I don't know.
Q. When did you live in Tahlequah and Fort Gibson? A. I haven't lived in Tahlequah since the war.
Q. Have you lived in Fort Gibson since the war? A. Yes sir, and

I lived on the bayou, and then I moved to Muskogee.
Q. How many years since you moved to Muskogee? A. I don't know.
Q. How long did you live around Fort Gibson after the war? A. A good while after the war.
Q. About how long? A. I don't know. I lived first at Fort Gibson and then at other places.
Q. About how long at Fort Gibson? A. I don't know -- a good while.
Q. What is your best judgment? A. A good while.
Q. Is it 6 years or 6 days? A. Over 10 years.
Q And you never saw this woman around Fort Gibson? A. Yes sir I did.
Q. You have just sworn that you didn't. You said you hadn't seen her after her mother died until after she was married? A. I saw her there sometimes at church, when we had any church. I use to see this girl and her sister.
Q. What is this woman's sister's name? A. Mary Hill.
Q. I just happen to know that Mary Hill don't even claim citizenship? A. Yes sir, she do -- she ought to, for she has done proved up.
Q. Was this Mary Hill ever married before? A. Yes sir.
Q. To whom was she married? A. Bill Ross.
Q. How long did you see this girl around Fort Gibson after her mother died? A. I didn't see her at all, for they all run from the cholera.
Q. You never saw her any more? A. No sir.
Q. Did you ever see her after her mother died until 8 or 9 years ago? A. Yes sir, when she got to be a young woman. She was small when Aunt Dorcus took her to raise soon after her mother died.
Q. About how many years after her mother died? A. I don't know. A heap of times when we had church they would come over to church.
Q. How long after her mother died was it till you saw her again? A. I told you.
Q. What did you tell me? A. That she was a good size girl, and she was a baby when her mother died and that old lady took her to raise.
Q. How long after that was it that you saw her? 5, 10 or 40 years? A. I guess it was.
Q. Guess it was what? Was it 20 years? A. No sir.
Q. Was it 5 years? A. I never paid no attention.
Q. Was it 62 years? A. No sir.
Q. Was it 13 years? A. I don't know, for we all scattered.
Q. How long was it? A. It wasn't very long.
Q. Was it ten minutes? A. (no answer)
Q. Ten years? A. It wasn't ten years. We were all passing around among each other. She was staying at one place and I stayed at another.
Q. Where were you staying? A. At Fort Gibson.
Q. Where was this woman married to Haynes? A. At Aunt Dorcus' house.
Q. Where was Aunt Dorcus living? A. On 14 mile Creek.
Q. And she just continued to live right along there? A. Yes sir that is the only place I ever knowed of her living
Q. You never met her in New York city? A. No sir, for I never has been there myself.
Q. Nor in Texas A. No sir.
Q. Nor in Joplin? A. She never was in Joplin.
Q. How come her son there? A. He just run off, like my boy did.
Q. When was the first time you ever saw him? A. I have seed him here in Muskogee.
Q. Was that the first time? A. I saw him when he was a small

boy, but a heap of times I saw him and didn't know him.
Q. When did you see him first? A. I saw him with his mother. I had seed him before, but didn't know it was her child till I seed him with her.
Q. Where had you seen him before? A. In Fort Gibson.
Q. When? A. Before I come over here.
Q. Where was this child born? A. I couldn't tell you where it was born.
Q. You can't tell me when you first saw him? A. I told you I saw him to Gibson.
Q. I didn't ask where, I asked when? A. Well, it was when I lived at Gibson.
Q. Did you see him 40 years ago in Gibson? A. I don't guess it was that long.
Q. Was it 20 years? A. I don't know.
Q. Was it 8 years? A. I guess it was.
Q. Is that your best judgment? A. I guess so.
Q. Why don't you tell me the truth? A. I don't come before none of you with no lies.
Q. When did you first see him? A. I have done give you all the ideas I can. I know I saw him, and it don't matter how long ago it was, I saw him and knowed it was her child.
Q. How many years since you first saw this woman? A. I don't count the years, but I have been seeing her ever since she was small.
Q. You never saw her till after her mother died? A. Yes sir, I saw her after her mother died.
Q. Did you ever see her till after her mother died? A. Yes sir.
Q. How long before? A. That was before the cholera come.
Q. Was it one or two days or a week? A. It was before the cholera come there in town/ I was living in the bottom.
Q. Where did she live? A. Up on the hill.
Q. Who was her mother living with? A. With her father.
Q. Ben Grimmett? A. Yes sir.
Q. Is he living? A. Yes sir.
Q. Is he the man that wears so many badges on him? A. No sir.
Q. And he was living there with this woman? A. Yes sir.
Q. You never knew this girl before the war? A. I don't think she was born before the war. The war went on 4 years, didn't it?
Q. So they say? A. I know all about it.
Q. I am glad you know one thing. Where were you living when the war started? A. At Tahlequah.
Q. Where did you go? A. To the Choctaw Nation.
Q. Who did you belong to? A. To the Carters.
Q. Did you see this woman's mother down there? A. No sir.
Q. How long was it before the war that you saw this girl's mother? A. I saw her all the time before the war. Her people lived in Caney and Flint, but they stayed most all the time in Tahlequah.
Q. Are you any kin to this girl? A. No sir. I just knowed her mother and father.
Q. The first time you ever saw her after the war was when her mother died? A. Yes sir. You know when the cholera started in town there everybody was running out and taking everybody with them, and we couldn't tell where anyone went. A lot of them went to 4 Mile Branch.
Q. Who did this woman's mother belong to before the war? A. Blair.
Q. What Blair? A. I couldn't tell you his name, but I know it was Blair.
Q. You never were at the Blair's house? A. No sir, I just knowed some of the colored people.
Q. But you never knew her owner? A. No sir, I don't know her owner's name.

COMMISSION:

Q. Was this Blair a white man? A. I think he was a Cherokee.

WITNESS EXCUSED.

Wiley Haynes, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Wiley Haynes.
Q. You are the husband of Martha Haynes? A. Yes sir.
Q. When did you first get acquainted with her? A. Somewhere nea near 24 years ago.
Q. Where did you first meet her? A. In Sequoyah District.
Q. Near what town? A. Fort Smith.
Q. About how soon after that did you get married? A. About 3 or 4 months, I guess
Q. Do you know what year you were married to her? A. As near as I can get at it -- 24 years ago either April or May the 15th. that is my best recollection -- 1881.
Q. At that time did she have a child? A. Yes sir.
Q. What was his name? A. Allen.
Q. What became of him? A. He is in the "pen".
Q. How old was he when you married her? A. I guess he was some 9 or ten months old.
Q. Have you lived together as husband and wife since that time? A. Yes sir.
Q. Where? A. In Canadian District, and some time in the Creek Nation.
Q. Near Muskogee? A. Yes sir, right here in Muskogee.
Q. How ang have you lived here? A. Near 11 years.
Q. When did you last see Allen? A. I saw him about a year and a half ago.
Q. Where was he? A. He was here.
Q. Where was he sent to the pen from? A. From here.
Q. When? A. He was sent in 1903.
Q. Was he sent more than once? A. Yes sir.
Q. Was that the first time he was sent -- in 1903? A. The first time was in 1903 -- or 02.
Q. What did he go for? A. About some bycicles.
Q. Had he stolen them? A. Yes sir.
Q. Wasn't he arrested in Joplin? A. Yes sir.
Q. What for? A. I don't know.
Q. How long was he sent up for? A. I don't know. He was away from me, and I don't know.
Q. When did that boy first go away from you? A. He first got away from me -- you may say -- as near as I can fix it -- 1897.
Q. Was he living with you up to that time? A. Yes sir, we drawed his money for him, and after that he commenced prancing around.
Q. Where has he been living since then? A. In Joplin, Kansas City, and sometimes at home. When he gets out of money or gets sick, he comes home.
Q. And he has been in the pen twice? A. Yes sir.
Q. Was sent up once from Joplin and once from here? A. Yes sir.

WITNESS EXCUSED.

This case will be continued, for further evidence, to June 1, 1905.

Eula Jeanes Branson, being duly sworn, states that, as Stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 18th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 22nd. day of May, 1905.

J. M. Campbell
Notary Public.

FILED
COMMISSION TO THE FIVE

Cherokee Freedman D-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE?, I. T., JUNE 15, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matterof the application for the enrollment of MARTHA HAYNES ET AL., as Cherokee freedmen.

On May 18, 1905, evidence was taken in this case and the cause was continued by mutual consent to June 1, 1905. On June 1, 1905, the applicant appeared in person and the Cherokee nation by their attorneys, by consent and stipulation the case was further continued until this day, June 15, 1905.

APPEARANCES:
Applicant appears in person.
Cherokee Nation, by J. S. Davenport.

MARY HILL, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Mary Hill.
Q What is your post office? A Tahlequah.
Q How long have you lived in or near Tahlequah? A About 25 years I guess.
Q Where did you live before you moved to Tahlequah? A I lived at Port Gibson.
Q Where were you living when you can first remember? A Living in Flint.
Q Flint District? A Yes sir.
Q Was that before or during the war? A During the war.
Q At the close of the war, where were you living? A In Gibson.
Q Did you have any brothers and sisters? A I had two brothers.
Q How many sisters, if any? A Four sisters, mother didn't have but six children.
Q Now what were the names of your children? A Jane, Polly, Rachel and Mary.
Q Did you have any half sisters that you know of? A No sir.
Q Did your mother have any children other than the children that you have named? A No sir.
Q What was your mother's name? A Eliza Parker Blair.
Q Do you know what your father's name was? A Ben Grimmett.
Q Is your mother living? A No sir she si dead.
Q How long since your mother's death or about how long? A About 12 or 14 years I guess.
Q You don't know then the number of years since your mother's death?
A No sir.
Q Where were you and your mother living at the time of her death?
A At Port Gibson.
Q About how old were you at the time of your mother's death?
A I was about 12 years old I guess.
Q Are you the youngest of the children or were there children younger than you? A I am the third girl.
Q After your mother's death, where did you children go to live, or with whom did you go to live? A After mother died Aunt Parker Buffington took Rachel and Ben.

Q Where was Aunt Darkey Buffington living at that time? A Right where she is living now, on Fourteen Mile Creek.
Q What direction is that from Fort Gibson? A North.
Q Do you know whether or not Aunt Darkey Buffington is living?
A Yes sir.
Q Is any of your sisters living that went to live with Aunt Darkey? A No sir, the one lived that went to live with her died in Tahlequah.
Q How long did your sister live with Aunt Darkey before she married, Mary? A About ten years I guess, stayed there a good while.
Q During the time that intervened from your mother's death up until the time your sister married, Joe Discuss, were you at Aunt Darkey Buffington's house or in that neighborhood there?
A Yes sir, I visited there once in a while.
Q How often in a year? A Two or three times a year.
Q Your sister was living there at that time? A Yes sir.
Q Do you know the applicant here, Martha Haynes? A I didn't know her until the time of the payment.
Q What payment was that? A It was the strip payment, I heard of her then, they said she was my sister.
Q That was about how many years ago, that payment? A What payment.
Q What amount did the colored people draw at that payment?
A Was it $180.00 of what was it.
Q There were two payments, one made by Col. Lipe and the other by Col. Wisdom? A It was about 1897 I think.
Q Had you seen the applicant Martha Haynes up until the time of that strip payment? A No sir, but I had heard of her, but they say she was my sister, I thought she might be some of my father's children.
Q During the time you were at Fort Gibson from the close of the war, did you see her around Fort Gibson? A No sir.
Q During the time your sister Rachel lived with Aunt Darkey Buffington, was she living there with them? A No sir.
Q Your sister lived with Aunt Darkey Buffington? A Yes sir.
Q And you were back and forth and you knew about who were living there in the family? A Yes sir.
Q Did you ever see her there at Aunt Darkey's? A No sir, I never saw her there, she might have been there in the neighborhood.
Q If she is any relation of yours, do you know anything about that?
A No sir, I don't know, I never did ask any of the old people.
Q You never heard of her from your mother or any of the family?
A My mother never did say anything about her.
Q And were you living in Fort Gibson immediately after the war and didn't see her there or hear of her being there at that time?
A No sir.

BY THE COMMISSION:
Q How old are you? A I think I will be about 44.
Q So then at the close of the war you were about three years old?
A I don't know, I think I was older than that.
Q How old were you at the close of the war? A About 12 years old I guess.
Q So you must be about 55 years old, is that it? A It might be, I don't know.
Q Are you a Cherokee Freedman? A Yes sir.
Q Under what name? A Mary Hill.
Q Are you on a straight card? A Yes sir.
Q Did you apply for yourself and Mary Grimmett, your neice in 1901?
A Yes sir.
Q Do you remember how old you were at that time? A No sir.
A Do you know what age you gave at that time? A No sir.

Q You said you were 40 at that time, that makes you 44, so at the close of the war you were only 3 years old, and now you say you were 12, which is correct? A I don't knew.
Q Where was Darkey Buffington living at the close of the war?
A Living in Gibson I think.
Q Do you know where she was living? A No sir, I don't know for certain.
Q You don't know who was in that family at the close of the war, do you? A She was living on Fourteen Mile Creek when she taken the children.
Q How long was that after the war? A I don't know how long.
Q How many years, what is your best judgment of it? A About two years I guess, right after that cholera.
Q Did you live with Aunt Darkey Buffington? A No sir.
Q Where did you go? A I went to Tahlequah.
Q With whom did you live when you went to Tahlequah? A I lived with Aunt Julia Reese.
Q How far was that from where Darkey Buffington lived? A About 14 miles.
Q Did you visit them often? A Yes sir.
Q Who was in Darkey Buffington's family at that time? A All her children and grand-children.
Q Well give me the names of them? A I don't know all of them.
Q Give me as many as you can? A Narcis, Charley, Anna, Lucy Ann, Josie, Rachel and Ben, that is my brother and sister.
Q Were they all her children and grand-children? A Yes sir.
Q That was two years after the close of the war that she had all that family? A Yes sir, I think it was that.
Q I want you to tell me, two years after the war when your family broke up and you went to Tahlequah, who were in Darkey Buffington's family at that time? A I told you that I can't tell all.
Q Were all those living there with her at that time? A They were.
Q Were anybody else there besides her own children? A Her grand-children.
Q Are you the grand-child of her? A No sir.
Q Were you living with her? A My brother and sister were living with her.
Q Were they the grand-children of Darkey? A She was their Aunt.
Q So she had her own childre, grand-children, and some one else's children? A Yes sir.
Q How many in the family all together? A About 18 or 19.
Q Are you willing to swear now that this Martha Haynes was not in Darkey Buffington's family two years after the war? A I did not see her, if she was there I never seed her, I never heard of her.
Q You cannot swear whether she was there or not? A No sir.
Q You say there were 18 or 19 in the family at that time, now give me the names of all of them, you have given me the names of 4 or 5? A Helen, Jose, Narcis, Lucy Ann? Charley, Ambrose.
Q Is that all? A That is all I can think of.
Q And you swear that all those you mentioned were living in Darkey Buffington's family after the war? A Yes sir.
Q Those were her children and grand-chidren? A Yes sir.
Q Now mention all other children besides her children and grand-children? A That is all I can think of, my brother and sister.
Q What are their names? A Ben and Rachel.
Q When was the first time you was ever in Darkey Buffington's house? A After she taken the children up there, I went up there to see them.
Q That was two or three or four years after the war? A Yes sir.
Q So prior to that time this woman might have been living up there? A She might have been.

Q As a matter of fact that at the close of the war and two or three years after you don't know whether this woman was up there or not? A No sir.
Q The first time you ever met her was about the time of this strip payment? A Yes sir.
Q Where did you meet her at that time? A It was time of the payment, the first time I ever remember of seeing her, but since then I have seen her.

BY MR. DAVENPORT:
Q You have lived at Tahlequah and Fort Gibson ever since the war, haven't you Mary? A Yes sir.
Q Fourteen Mile Creek is between Tahlequah and Fort Gibson, but off to the north, is it not? A Yes sir.
Q And you have been back and forth have you not in that neighborhood of Fourteen Mile Creek ever since the war? A Yes sir.
Q And you never saw this woman, the applicant in this case, until about the time of the Kern-Clifton payment? A I heard of her, but I never seen her.
Q You never knew of her living, or saw her at Aunt Darkey Buffington's while your brother and sister were there? A No sir.
Q Aunt Darkey Buffington is still living? A Yes sir.

BY THE COMMISSION:
Q Are you related to Darkey Buffington in any way? A She is my Aunt.
Q How is she your aunt? A Great aunt somehow or other.
Q Can you say? A She is my double aunt.
Q Well explain the relation and then I will understand it. Your grand mother and Darkey Buffington were sisters? A Yes sir, I think that is the way of it.
Q You don't know whether Martha Haynes is related to Darkey Buffington? A No sir, I don't know.
Q She is not related to you that you know of? A Not that I know of unless she is my father's child. She could be that.

This cause was here continued to June 22, 1905.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of August, 1905.

Myron White.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Haynes and her son, Allen Haynes, as Cherokee Freedmen.

O R D E R.

From the record in this matter it appears that on July 25, 1901, the said Martha Haynes wrote to the Secretary of the Interior relative to her right and that of her minor son, Allen Haynes, to enrollment as Cherokee freedmen; that on August 8, 1901, said letter was referred by the Department to the Commission "for consideration and appropriate action", and that under date of August 16, 1901, the Commission notified the said Martha (Hayes) Haynes that it would be necessary for her to appear in person before it in order to make application for enrollment. Subsequently a ruling was made by the Department that application for enrollment as a citizen of the Cherokee Nation may be made by letter. The records of the Commission show that the said Martha Haynes is identified on the Wallace and Kern-Clifton rolls, and that the said Allen Haynes is identified on the Kern-Clifton roll.

The record in this matter further shows that good and sufficient reasons existed for the said Martha Haynes' inability to appear before this Commission in person prior to October 31, 1902, and that said letter of July 25, 1901, was written to the Department for the purpose of having the said Martha and Allen Haynes considered as applicants for enrollment as Cherokee freedmen.

It is, therefore, the opinion of this Commission that,

following the ruling of the Department in the case of Lafayette E. Brooks et al. (I.T.D. 2798-03),application was made to it for the enrollment of Martha Haynes and Allen Haynes, as Cherokee freedmen, within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 716), and that the Commission should now proceed to hear and determine said application, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this MAY 1 1905

DEPARTMENT OF THE INTERIOR,
OFFIC COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 22, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES ET AL., as a Cherokee Freedmen.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by J. S. Davenport.

MARGARET SANDERS, being first duly sworn, testified as follows:,

BY MR. DAVENPORT:
Q What is your name? A Margaret Sanders.
Q Where do you live? A On Fourteen Mile Creek.
Q How far from Melvin? A About four miles.
Q How old are you? A About 55 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived on or near Fourteen Mile Creek? A I was born and raised there.
Q How far did you live from old Aunt Darkey Buffington? A Two or three miles.
Q Are you any relation to her? A I used to be her daughter-in-law.
Q Now you have lived near her how long? A About ten years I guess.
Q How long have you known Aunt Darkey Buffington? A I knowed her in the time of the war.
Q Have you known her ever since the war? A Yes sir.
Q Do you know Mary Hill at Tahlequah? A Yes sir.
Q Did you know her mother? A Yes sir.
Q What was her name? A Eliza Blair.
Q Did you know her father? A No sir.
Q Do you know the applicant here, Martha Haynes? A I aint been acquainted with her so many years.
Q How long have you been acquainted with her? A About 10 or 15 years.
Q Do you know whether or not Mary Hill had any sisters and brothers?
A I know she had two daughters and a son that I know of, but I don't remember about this girl, but one was called Mary and Rachel and Benny.
Q Where did they live after their mother's death? A With Aunt Darkey Buffington.
Q How far did you live from Aunt Darkey at that time? A I stayed around Fort Gibson then.
Q Where was Aunt Darkey living then? A On Fourteen Mile Creek.
Q How far is that from Gibson? A About 15 miles.
Q Where was this applicant, Martha Haynes, living when you first got acquainted with her? A Here in Muskogee.
Q Did you ever see her in the Cherokee nation before you got acquainted with her there at Muskogee? A No sir.
Q Did you ever know of her living in the Fourteen Mile Creek neighborhood with Aunt Darkey Buffington at the war? A No sir.
Q Did you ever know of her living in Aunt Darkey Buffington's family? A No sir, the first time I got acquainted with her she told me Eliza Blair was her mother.

Q That was Mary Hill's mot her was it? A Yes sir.
Q Did Eliza Blair have such a daughter as this applicant that you know of? A I don't know, I just got acquainted with her in the time of the war.
Q When Eliza died did she have any such daughter as this Martha Hayne
A No sir.
Q You know Eliza had a daughter by the name of Rachel and Mary?
A Yes sir.
Q Do you know whether or not she had a daughter by the name of Martha this applicant? A No sir.
Q You never saw her or heard of her until about 15 years ago? A No sir, I met her here in Muskogee and she was telling me about her people.
Q I believe you said you were a daughter-in-law of Aunt Darkey Buffington? A Yes sir.
Q And you never saw this girl around Aunt Darkey's place there?
A No sir.

BY THE COMMISSION:
Q Did you know Eliza Blair? A Yes sir, I got acquainted with her in the time of the war.
Q Do you know the names of all of the children of Eliza Blair?
A I don't know sir.
Q As far as you know she may be the mother of this woman here?
A She may be, I don't know.
Q Do you know when Eliza Blair died? A Yes sir, I was living there in town.
Q Where did she die? A There on the hill at Fort Gibson.
Q What became of her children? A As far as I remember anything about them Julie Rees had a girl by the name of Mary and Aunt Darkey Buffington took a girl by the name of Rachel and a boy named Benny.
Q You say Mary was taken by who? A Julia Reese.
Q And Aunt Darkey Buffington got the other two? A Yes sir.
Q Now you don't mean to say that Eliza Blair didn't have any more children than that at that time? A No sir, I don't.
Q And you don't know how many children Darkey Buffington took away? A That is all I remember about.
Q She may have taken 3 or 4 so far as you know, only you know about two? A Yes sir, just them two.
Q Darkey Buffington must have had a big family at that time? A Yes sir.
Q About how many? A I don't know.
Q Have any idea how many? A 8 or 9.
Q Did she have 18 or 20? A No sir she didn't have 20, she had a pastel of children that wasn't her own, her kin folks.
Q Was this Eliza Blair any kin to Darkey Buffington? A Her niece.
Q Do you know whether Darkey Buffington had a child there by the name of Martha? A I don't know sir.
Q Do you know the name of all the children that Darkey Buffington had at that time? A I could name only some of them.
Q Couldn't name them all? A No sir, there was Josie, Helen, Rachel, Benny, Narcissus, that is all I remember anything about.
Q There were more than that? A Yes sir, more than that because there was a house full all the time.

NARCISSUS DALTON, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Narcissus Dalton.
Q Where is your post office? A Melvin.
Q How old are you? A I don't know exactly, I am about 50 years old.

Q You were born before the war? A Yes sir.
Q Who was your mother? A Darkey Buffington.
Q Is she living? A Yes sir.
Q Where? A With me.
Q Did you know Eliza Blair during her life time? A I didn't know good our relations but when we come back from the south we didn't get good acquainted with her and it wasn't so long before she died.
Q When did you come back from the south? A Just after peace.
Q And you have lived in the neighborhood of Fourteen Mile Creek ever since that time? A Yes sir.
Q How far have you lived since you returned from your mother, Aunt Darkey Buffington? A I have been with her all the while.
Q Eliza Blair died some time after you came back from the south?
A Yes sir.
Q Was she related to you in some way? A Yes sir.
Q Do you know the applicant here, Martha Haynes? A No sir.
Q After you came back from the south did Martha Haynes live with your mother or your mother raise her on Fourteen Mile Creek north of Fort Gibson? A If she did, it is out of my rememberance, ~~she was living at Gibson working for the Government when we~~ come back from the south.
Q Did the applicant here live in your mother's family there? A No sir.
Q Do you know how many children Eliza Blair had at the time of her death? A No sir, I don't know but Rachel and Benny.
Q You know whether this woman ever lived with and was raised by your mother? A If she was, I don't know it.
Q You lived with your mother? A Yes sir.
Q You would have known if she was there? A Yes sir.
Q Do you know Mary Hill at Tahlequah? A Yessir.
Q She was a daughter of whom, do you know? A Ben Grimmett is her father andthat same Eliza is her mother.
Q She has lived in that neighborhood ever since the war? A Yes sir Julia Reese raised her.
Q And your mother raised Rachel and Benny? A Yes sir.
Q And you lived with your mother and she never lived with you?
A No sir.
Q Do you think it is possible for her to have been there and you not know it? A No sir.
Q How long has it been since you first saw this applicant here?
A No sir, I have never seen her at all to know her.
Q Look at her and see if that woman ever lived with your mother's family? A No sir, not that I know anything about.
Q You were there all the time? A Yes sir, I was there all the time.

BY THE COMMISSION:
Q How long did you stay at your mother's after you came back from the war? A I was about 11 years old when we come back from the south and I married when I was 17 or 18 and I stayed that long.
Q Lived with her all that time? A Yes sir.
Q Never worked out at all? A Yes sir, I worked out.
Q Did you come home every night? A No sir, not when I was working off.
Q You remember Eliza Blair dying, do you? A Yes sir, I remember them saying she died in the year of the cholera.
Q But you don't remember that, do you? A Yes sir, I remember the cholera.
Q I am talking about Eliza Blair's death? A Well I think it was theyear of the cholera.
Q do you remember the fact of her dying? A Yes sir, I remember them saying she died.

Q Do you know how many children she had when she died? A No sir I don't know exactly how many she did have.
Q How old is Rachel? A I don't know, she is something a little older than I was.
Q Which is the oldest child of Eliza Blair? A I couldn't tell you that.
Q Well there is Rachel, Mary and Benny? A Well Mary I think is the oldest, she had one called Jane, she is the oldest.
Q Is she living? A Yes sir.
Q Is Mary, Rachel and Benny living? A Yes sir.
Q Ddd you ever hear of Eliza Grimmett having a child called Martha?
A No sir, it was a long time after we came back before I knew Mary; you see Aunt Julia Reese raised Mary.
Q Was there a child in your mother's family by the name of Martha?
A If there was, I don't know it.
Q You would have known it if she had have been in your mother's family? A It looks like I would have known it.

This case is closed.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of August, 1905.

Myron A. White

Notary Public.

Cherokee Freedman D-1541.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 10, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES ET AL., as Cherokee freedmen.

MARTHA HAYNES, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Martha Haynes.
Q How old are you? A I don't know sir how old I am, I don't remember my age exactly.
Q When you testified in your case on May 18, 1905, you gave your age as 53, is that right? A Yes sir, I guess so.
Q Have you a child named Allen Haynes? A Yes sir.
Q Is he living? A Yes sir.
Q He is of age? A Yes sir.
Q Is he married? A No sir.
Q What is the name of your father? A Ben Grimmett.
Q Is he a citizen of the Cherokee Nation? A Yes sir.
Q Where does he live, in what district? A Coowescoowee.
Q What was your mother's name? A Eliza Blair.
Q Is she living? A No sir.
Q Did you ever live with your father, Ben Grimmett? A No sir.
Q Do you know anything about whether he and your mother were married?
A I couldn't tell you.
Q Did your mother ever live with Ben Grimmett? A Yes sir.
Q They never lived together after you were born? A Not to my knowing anything about it.
Q Has your mother any sisters and brothers living? I guess they have.
Q You don't know about them? A No sir, I don't.

BY MR. HASTINGS.
Q When did you first see Ben Grimmett after the war? A When I come to myself.
Q Where did you see him? A Fort Gibson.
Q You never lived with him after the war? A No sir.
Q He wasn't living there after the war? A No sir, he didn't stay with us.
Q You never saw him until recently then? A When I come to myself, they said he was my father.
Q How old were you? A I don't know.
Q A number of years after the war? A Well when I come to my recollection, I don't know how old I was.
Q About how long after the war? A I couldn't tell you.

WITNESS EXCUSED.

BEN GRIMMETT, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Ben Grimmett.
Q How old are you? A I couldn't tell.
Q Are you about 65 or 70 somewhere around there? A Yes sir, I couldn't tell you.
Q What is your post office? A Nowata.

Q Are you a Cherokee freedman? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Do you know Martha Haynes, the applicant in this case? A Yes sir, she is my daughter.
Q What is the name of her mother? A Liza was the name of her mother.
Q Do you remember her maiden name, her first name? A Her name was Liza Blair, and her master was John Riley, he married her mistress.
Q Were you and Eliza married? A No sir.
Q Did you live together as husband and wife? A Yes sir, you see we colored people never did marry we just took up.
Q How long did you live together? A I couldn't tell you how long.

BY MR. HASTINGS:
Q Was this woman born before the war, this applicant? A I couldn't tell you but I think she was about that time

Q You were not living there when Martha was born? A No sir.
Q You never saw her after she was born? A No sir, I never seed her after she was born.
Q When did you see her, the first time you saw her, a week or two ago? A No sir, it has been a long time.
Q About how long ago, the first time you saw her, you never saw her just after she was born? A About 6 or 7 years I guess.
Q You saw her the first time about 6 or 7 years ago? A Yes sir, maybe longer, I never kept the time.
Q It was a long about the time of this last freedman payment then you saw her? A Yes sir, I had not seed her then.
Q You said it was about 6 or 7 years when you first saw her? A Well when I said that I don't hardly keep the weeks at all.
Q That was about the first time you ever saw her? A Yes sir.
Q You don't know where she was born? A She must have been born here in the nation.Q You never saw her mother at all after she was born? A No sir.
Q And you saw her now the first time about 6 or 7 years ago? A It was over I guess, it has been a long time.
Q You know she wasn't living here until 6 or 7 years ago? A She was living here then.
Q Well, I know she was living here then, never come here until 1896 during the freedman payment? A Yes sir.
Q You know her before that payment? A I couldn't hardly say what time, I couldn't hardly saw when.Q How long was it before the Cherokee payment, a year? A About 3 years I guess.
Q Before the Cherokee payment? A I think so, that is my own judgment.
Q Where did you first see her? A I seed her down there on Lightning Creek.
Q What was she doing up there at Lightning Creek then? A I don't know.
Q She said then that she was your daughter? A Yes sir, her mother said that.
Q You swore that you never saw her mother after this child was born?
A Yes sir, I had seen her, of course I had seed her.
Q You had seen her before this child was born, but you never saw her afterwards? A No sir.
Q Her mother went south and you went north? A Yes sir.
Q And you never saw hermother after this child was born? A No sir, I never come back here.
Q And you saw this girl the first time about 3 years before the Cherokee payment and that was in 1896? A It must have been.
Q That was the first time you ever saw this woman? A I couldn't tell you that.
Q You said so didn't you? A Yes sir, I said, I don't know nothing about keeping the days of the month.

Q You said that was your best judgment? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q How long after the breaking out of the war was it that you went north? A It had been sometime before we went up, I stayed at home as long as I could and times got so hard that we had to get out.

Q Whereabouts in the Cherokee Nation did Eliza Blair live? A In Flint District.

Q Did she live close to where you did? A Yes sir.

Q What was your master's name? A Grimmett, we lived about 4 miles from there I guess.

Q When was it Eliza Blair went south, did she go south before or after you went north? A No sir, she never did go south.

Q Did she leave Blair's place before you left Grimmett's place?

A Yes sir, she was right there.

Q But this Martha Haynes wasn't born until after her mother, Eliza Blair, left Blair's place, was she? A I couldn't tell you, I hardly ever get to see my woman, we colored men we had from 6 to 7 wives, it wasn't like it is now one particular wife. We always had as many wives as we could get.

Q Do you think this Martha Haynes is your daughter? A Yes sir, and her sister, she is living.

Q Did you and Eliza have any more children besides this Martha?

A Yes sir.

Q How many? A About 5.

Q Are they living? A Yes sir, some living at Tahlequah, two, and Riley he is dead, and then there is one here next to Riley is here in the Cherokee Nation somewhere.

Q They are your children by Eliza? A Yes sir.

Q Was any of them enrolled as Cherokee freedmen? A Yes sir, these at Tahlequah, all of them.

Q What is the ones name that live at Tahlequah? A Mary and Ben, and the other one she died.

Q Mary what? A Some call her Mary Hill, she married a Hill.

Q What is Ben's name? A I just call him Ben, I named him after me.

Q That is young Ben Grimmett? A Yes sir, that is my son.

Q They are your children by Eliza? A Yes sir.

Q Then they are full sister and brother to Martha here? A Yes sir.

BY MR. HASTINGS:

Q So this woman then unless Ben was born during slave time after you left down there. This woman if she is your child was born during slave time after you left down there? A Yes sir, she must have been.

Q That is after you left and went into the army? A I couldn't tell that.

Q She wasn't born before you left because you said you never saw her? A Well, I wasn't living at the same place I said. So many places I had a wife and I always stayed with them.

Q You had one child by this Eliza named Mary, that Mary Hill there at Tahlequah, didn't you? A No sir, I didn't, now let me speak a few words, Lina, Benny and all of them were raised in Flint, born there at Blair's.

Q Mary Hill was too, wasn't she? A Yes sir.

Q She is older, Mary Hill is that this woman? A Mary is older than this one.

WITNESS EXCUSED.

MARTHA HAYNES RECALLED.

ON BEHALF OF THE COMMISSIONER:

Q Do you know Mary Hill? A Yes sir.
Q Did you ever see her? A Yes sir.
Q Whereabouts? A Here the last time, I was at court right here.
Q When she testified in your case? A Yes sir, I have seen her then.
Q Was that the first time you ever saw her? A No sir.
Q Where did you see her then? A At Tahlequah.
Q How long ago? A A number of years ago, I couldn't tell you how long.
Q Has it been 20 or 25 years or how long? A I expect it has been how long.
Q Well were you about grown or were you up in years? A I was about grown.
Q Did you ever see young Ben Grimmett? A Yes sir.
Q What kin are you and young Ben? A He is my youngest brother.
Q When was the first time you ever saw him? A I haven't seen him, the last time I seen him he was on Lightning Creek.
Q When was the first time you ever saw him? A He was at Aunt Darkey Buffingtons.
Q How long ago was that? A I couldn't tell you.
Q Was that about the time you first saw Mary Hill? A No sir.
Q You never saw either of them when you were a child did you? A Yes sir, I saw them when I was a child and recollect them.
Q You never lived in the same family? A No sir, I stayed with the same people until I went down to Sequoyah.
Q The same people they did? A Yes sir, until I went down to Sequoyah and stayed there until I was married.
Q Were you always recognized as brother and sisters? A Yes sir.

W I T N E S S E X C U S E D.

The applicant and the attorney for the Cherokee Nation both announce that they have no further testimony to introduce, and consent that the case may be closed and a decision prepared upon the testimony heretofore introduced.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 15th day of August, 1905.

Bruce G. Jones

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

1917

COMMISSIONER

Cherokee Freedman D-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 2, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES, ET AL., as Cherokee freedmen.

APPEARANCES:

FOR APPLICANTS, Merritt Ealick.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

By agreement between Merritt Ealick, Attorney for the applicants, and the attorneys for the Cherokee Nation, this case was set for hearing at nine o'clock A. M., on this November 2, 1905. The Cherokee Nation is present by its attorneys, W. W. Hastings and James S. Davenport, and the applicants by their attorney, Merritt Ealick, who announces that he has been unable to communicate with his clients and has no testimony to offer on this day. As Martha Haynes has been notified by registered letter on several different occasions and her case set for hearing a number of times, several of which she has failed to appear for the purpose of offering further testimony, this case will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 3rd day of November, 1905.

Edward Merrick
Notary Public.

Wallace Roll (1899)

Office No.	Wallace No.	Names	Age	Sex	Residence
2445	401	Haynes, Mary	35	F	Canadian Dist.
2446	402	" Allen	11	M	" "

Cherokee Freedman (K-C) Pay Roll (1897)

Approved Wallace Roll No	Clifton Approved Roll No.	Office No	N	Names	Age	Sex	P.O. Address
2445	3347	3377		Haynes, Martha	45	F	Can. Dist.
2446	3348	3378		" Allen	18	M	" "

I hereby certify that the foregoing is a true and correct copy of certain words and figures found upon pages 116 and 136 of the Wallace and Kern-Clifton Rolls, , and that said Rolls are in the lawful custody of this office.

Geo. D. Ragsdale
Acting Commissioner

Dated at Muskogee, Indian Territory
this NOV 23 1905

Cherokee Freedman D 1361.

Census of Freedmen Citizens residing in Canadian District, Cherokee Nation, authorized by an Act of the National Council, approved April 15, 1893.

No.	Name.	Age	Male	Female	By whom identified
88	Mary Haynes	40		*	Burl Daniel
88	Allen Haynes	18	Male		Andy Daniel

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I hereby certify that the foregoing is a true and correct copy of certain words, figures and cancellation marks found upon page 2, Cherokee (Canadian District) Census Roll of 1893, and that said roll is in the lawful custody of this office.

Geo. D. Rogers
Acting Commissioner

Dated at Muskogee, Indian Territory,

this NOV 25 1905

a.T.M.C.

COPY.

Cherokee Freedman D 1341

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha and Allen Haynes as Cherokee Freedmen.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on February 15, 1905, Martha Haynes appeared before the Commission to the Five Civilized Tribes and testified relative to certain correspondence had by her with the Department and the Commission, all of which was authenticated by the records of this office; that on May 1, 1905, the Commission, following the ruling of the Department in the case of Lafayette M. Brooks, et al. (I.T.D. 2798-03), held that said correspondence constituted an application for the enrollment of Martha and Allen Haynes as Cherokee freedmen, and that said application was made to it within the time limited by the act of Congress approved July 1, 1902 (32 Stat., 716); and that in accordance therewith further proceedings in the matter of said application were had on May 18, June 15 and 22, August 10, and November 2, 1905, at Muskogee, Indian Territory. Certified copies of the applicants' wallace and Kern-Clifton enrollments, and their cancelled enrollment on the Cherokee Census roll of 1893, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Martha Haynes, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the provisions of Article IX, Treaty of 1866, and that the applicant Allen Haynes, claims the same right as her descendant. All the material points in this case are contested.

MARTHA HAYNES, applicant, on May 18, 1905, at Muskogee, Indian Territory, testified: That she is about 64 years old, is a daughter of Ben Grimmett and one Miles Blair, deceased, was born before the war, and at the commencement thereof, was the slave of George Blair, a Cherokee Indian who lived in Illinois

District, Cherokee Nation. That she was too young to remember the rebellion, and that at her earliest recollection she was living with Aunt Darcus Buffington, where she remained for several years, and that later she worked for and lived with one Mrs.Cotton. That her son, Allen Haynes, is about 18 years old, was born at Mrs. Wright's place in Sequoyah District, and is the child of Ben Patton, a Choctaw freedman, who died at Scullyville, Choctaw Nation, a few months prior to the birth of his son; that her son Allen is in the penitentiary, and was sent there for six years, from Joplin, Missouri. That she married her present husband, Wiley Haynes, in the Cherokee Nation about twenty-four or twenty-five years ago; that she has two sisters and one brother living, named Mary, Jane and Bennie Grimmett; and that prior to living with her aunt, Darcus Buffington, she had lived with her father, Ben Grimmett.

ELLIS GRIDGETT, in behalf of applicants, same date, testified: That he is about 62 years old, had heard of the applicant a good many times before, but never saw her until sometime during the war, that she was about eight or nine months old then, and that he did not see her again till eight or nine years ago. That her mother was named Eliza Blair and belonged to Betsy Blair, and "they say Ben Grimmett is her father"; that Ben Grimmett and Eliza Blair lived together before the war, and had five or six children, named Bennie, Mary, Rachel, Jane and Sarah; that all are full brothers and sisters, and were born prior to the commencement of the rebellion, except the applicant, who was born "just about the beginning of the war". That Mary is now named Haynes (Hill?) Rachel is named Digus, but don't know the present names of Jane and Sarah. That he only knows from what people say that applicant is the baby he saw during the war and that if she is as old as she claims to be she could not have been that child.

SENIA BREWER, in behalf of applicants, same date, testified: I am 60 years old and have known Martha Haynes since she was a little baby. She is a daughter of Eliza Blair and Ben Grimmett, both slaves. I first saw her when her mother died of the cholera, just after the war. She was then living with her father and mother, and later was taken by her aunt Darcus Buffington to raise, and the next time I saw her she was married to Wiley Haynes If this applicant is as old as she claims to be she is not the child I saw at the time Eliza Blair died. After her mother died and before she married Haynes, I used to see this woman, Martha Haynes, and her sister, Mary Hill, attending church at Fort Gibson. She married Wiley Haynes at Aunt Darcus Buffington's house on Fourteen-mile Creek.

WILEY HAYNES, in behalf of applicant, same date, testified: I first became acquainted with Martha Haynes in Sequoyah District about twenty-four years ago, and on April or May 1b, 1881 , we were married. She at that time had a child nine or ten months old named Allen, who is now in the pen. He was sent up from Muskogee in 1903, for larceny, he was also sent up from Joplin,

Missouri, several years ago, but I don't know what for.

MARY HILL, in behalf of Cherokee Nation, on June 15, 1906, testified: I have lived at Tahlequah about twenty-five years, I guess. I lived at Fort Gibson before I moved to Tahlequah, and when I can first remember I was living in Flint District-this was during the war. I am a daughter of Ben Grimmett and Eliza Blair, deceased, and have two brothers, also four sisters, named Jane, Polly, Rachel and Mary. Mother did not have but six children, and I have no half sisters that I know of. My mother died about twelve or fourteen years ago. I was about twelve years old at the time. After her death Aunt Darkey Buffington took Rachel and Ben (Grimmett, on final Cherokee Freedman roll) to her home on Fourteen-mile Creek. My sister Rachel since died at Tahlequah. She lived with Aunt Darkey about ten years, and during that time I visited her frequently-- two or three times a year-- I never knew the applicant, Martha Haynes until about the time of the payment in 1897 . "I heard of her then, they said she was my sister." I never saw her around Fort Gibson after the war, and she did not live with Aunt Darkey Buffington during the time my sister Rachel lived there. I don't know my age. After my mother's death I went to live with my aunt, Julia Reese at Tahlequah . Aunt Darkey Buffington had about eighteen or nineteen children and grandchildren living with her, but I can remember the names of only five or six of them.

MARGARET SANDERS, in behalf of Cherokee Nation, on June 22, 1906, testified : I am about 55 years old, was born and raised on Fourteen-mile Creek, and have lived in the Cherokee Nation all my life. I have known Aunt Darkey Buffington since during the war, and at one time I was her daughter-in-law. I know Mary Hill, also knew her mother, Eliza Blair, but did not know her father. I knew Rachel and Bennie Grimmett, children of Eliza Blair, and after their mother's death they lived with Aunt Darkey Buffington on Fourteen-mile Creek. At that time I was living in Fort Gibson. Martha Haynes was living at Muskogee when I first became acquainted with her. She told me that she was the daughter of Eliza Blair. I never saw her in the Cherokee Nation before meeting her in Muskogee. I got acquainted with Eliza Blair during the war, and at her death she had no daughter named Martha. I did not know all of Eliza Blair's children, but remember that when she died Julia Reese took Mary and Aunt Darkey Buffington took Rachel and Bennie. Darkey Buffington had a big family of children and grandchildren at that time, probably eight or nine, I can remember the names of only some of them, Josie, Helen, Rachel, Bennie and Narcissus.

NARCISSUS DALTON, in behalf of Cherokee Nation, same date, testified: I am about 50 years old and my postoffice is Melvin. I am a daughter of Darkey Buffington, who is now living with me. We have always lived to ether or within a short distance of each other since the war. Eliza Blair was related to me but

I wasn't well acquainted with her. She died shortly after we returned from the south. I do not know the applicant, Martha Haynes, and if she ever lived with my mother it is beyond my memory. I knew three of Eliza Blair's children, Rachel, Benny, and Mary Hill, who now lives at Tahlequah. Ben Grimmett is Mary Hill's father. My mother raised Benny and Rachel. I never saw the applicant to know her. "Q. Look at her (indicating applicant) and see if that woman ever lived with your mother's family? A. No sir, not that I know anything about."

MARTHA HAYNES, applicant, on August 10, 1905, testified: I do not know my age, I guess I am about fifty-three. My father is named Ben Grimmett, he is a citizen of the Cherokee Nation and my mother was named Eliza Blair, she is dead. I never lived with my father after the war. I first remember seeing him at Fort Gibson, but don't know when that was.

BEN GRIMMETT, in behalf of applicant, same date, testified: I guess I am about 65 or 70 years old, and my postoffice is Nowata. I am a Cherokee Freedman on the 1880 roll. The applicant, Martha Haynes, is my daughter. Liza was the name of her mother, and was a slave of John Riley, who married her mistress. Liza and I never married, we just took up, don't know how long we lived together. I think this applicant was born about the time of the war. I was not living with her mother when she was born and never saw her till about six or seven years ago. I never saw her mother after Martha was born, but she told me before Martha's birth that she was my child. Her mother went south and I went north during the war.

"Q. Whereabouts in the Cherokee Nation did Eliza Blair live? A. In Flint district.
Q. Did she live close to where you did? A. Yes sir.
Q. What was your master's name? A. Grimmett, we lived about four miles from there (Eliza Blair's) I guess.
Q. When was it Eliza went south, did she go south before or after you went north? A. No sir, she never did go south.
Q. Did she leave Blair's place before you left Grimmett's place? A. Yes sir, she was right there.
Q. But this Martha Haynes was not born till after her mother left Blair's place was she? A. I couldn't tell you. I hardly ever got to see my woman. We colored men had from six to seven wives. It wasn't like it is now, one particular wife, we always had as many wives as we could get." Eliza and I had about five children besides Martha: Riley, he is dead, Mary Hill and Ben Grimmett Jr., and another one (Rachel) she died.
"Q. So this woman then, uncle Ben was born during slave time after you left down there. This woman if she is your child was born during slave time after you left down there? A. Yes sir, she must have been.
Q. That is after you left and went into the army?
A. I couldn't tell that.
Q. She wasn't born before you left, because you said you never saw her? A. Well, I wasn't living at the same place, I said. So many places I had wives, and I always stayed with them."

All these children were born at Blair's place and raised in Flint district . Mary Hill is older than Martha.

MARTHA HAYNES, applicant, re-called: I first saw Mary Hill at Tahlequah, a number of years ago. When I was about grown. I have seen Ben Grimmett Jr., he is my youngest brother. The last time I saw him was at Aunt Markey Buffington's I saw both of them when I was a child and stayed with the same people till I went down to Sequoyah. We were always recognized as brothers and sisters.

"The applicant and the Cherokee Nation both announce that they have no further testimony to introduce, and consent that the case may be closed and a decision prepared upon the testimony heretofore introduced."

"By agreement between Merritt Ralick, attorney for the applicants, and the attorneys for the Cherokee Nation, this case was set for hearing at nine o'clock A. M., on this November 2, 1906. The Cherokee Nation is present by its attorneys, W. W. Hastings and James S. Davenport, and the applicants by their attorney, Merritt Ralick, who announces that he has been unable to communicate with his clients, and has no testimony to offer on this day. As Martha Haynes has been notified by registered letter on several different occasions, and her case set for further hearing a number of times, on several of which she has failed to appear for the purpose of offering further testimony, this case will be closed, and a decision rendered on the evidence heretofore introduced."

Neither of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee Census roll of 1896.

This office has endeavored to afford the applicants ample opportunity to introduce evidence that would satisfactorily establish the material points at issue in this case, but after six hearings the testimony remains confusing, conflicting and contradictory. The testimony of the principal applicant, aside from the fact that she is contradicted by her own witnesses as to her age, her residence, living with her father, etc., is too weak to establish her right to Cherokee freedman citizenship.

Ellis Grimmett, uncle and witness in behalf of Martha Haynes, testifies that he heard of the applicant a good many times before the war, but later says he never saw her till during the war, and that she then appeared to be eight or nine months old. That he next saw her "eight or nine years ago" and that "if she is as old as she says she is" she is not the same person he saw when a baby eight or nine months old. He further identifies the applicant as "Mary" now Haynes. There was a Mary among the children of Ben Grimmett and Eliza Blair, who is now named Hill.

is on the 1880 roll and the final Cherokee freedman roll, opposite No. 3038. This looks like a case of mistaken identity.

Senia Brewer first testified that she saw the principal applicant at Fort Gibson, and that she was then a little baby living with her father and mother; that she was later taken by Aunt Darcus Buffington to raise and that she did not see her again until she had married Wiley Haynes. Witness later changed this statement and testified that she did see the applicant during the interval between the time when Aunt Darcus took her to raise and her marriage to Haynes; saw her on several occasions attending church at Fort Gibson in company with her sister, Mary Hill. This witness further states that if Martha Haynes is as old as she testifies she is, she is not the baby she saw at Fort Gibson living with Ben Grimmett and Eliza Blair.

Wiley Haynes husband and witness in behalf of Martha Haynes, testifies to nothing material.

Mary Hill in behalf of Cherokee Nation, testifies that she is a daughter of Ben Grimmett and Eliza Blair, that her mother had but six children, whom she names, but denies knowing Martha Haynes. That she never knew the principal applicant till about 1897, but had heard that she was her sister. She also gives the name of her brother and sister that Aunt Darkey Buffington took to raise, after the death of Eliza Blair, and says that she frequently visited them, but never saw the principal applicant there, nor around Fort Gibson after the war. This witness does not know her age nor anything of dates, but it is evident from the testimony of several witnesses in this case that she was born prior to the rebellion.

Margaret Sanders in behalf of Cherokee Nation, testifies that she has known and lived close to Aunt Darcus Buffington since during the war, but never knew of the principal applicant living with her. Also that she knew Eliza Blair but never knew the applicant before meeting her at Muskogee a few years ago.

Narcissus Dalton, daughter of Aunt Darcus Buffington, testifies that Martha Haynes never lived with her mother, so far as she knows, and that if she had she certainly would have known it.

Ben Grimmett, alleged father of Martha Haynes testifies in her behalf but fails to show that applicants have any Cherokee citizenship rights.

It is considered significant that the family of which Martha Haynes claims to have been a member is identified on the 1880 roll, while she is not. This is negative evidence to the effect that the Cherokee Nation did not consider her entitled to Cherokee freedman citizenship. Positive evidence to the same effect is shown in the Cherokee Nation's cancellation of the 1893 enrollment of these applicants.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the principal applicant was born prior to the commencement of the rebellion, but fails to satisfactorily show that she possesses any rights to Cherokee Freedman citizenship, hence, her application for enrollment comes within

the ruling of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector, (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Moses Ross, (I.T.D. 6055-04), Jane Looney et al., (I.T.D. 6410, 12688-04), Florence Brateher (I.T. D. 12692-04) and Mary Gunter et al., (I.T.D. 7746-05); and that the applicant, Allen Haynes was born since the close of the rebellion, is a son of the principal applicant, and possesses no rights to enrollment as a Cherokee freedman other than as her descendant.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Martha Haynes and Allen Haynes are not entitled to enrollment as Cherokee Freedmen and their application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this FEB 20 1908

How ... laid Sir i Went
up to malvin to get aunt
dorcus buffton and When i got up there
14 miles Creek Was up so high there i Could not
Cross it but i met her grean Son and he told
me that She Was blind and She Was not
able to come mr Jem Hays wrote to
her. to Come over here and he Would not
let her Come be Cause She Was blind

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALEXSON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, May 21st, 1901.

"A"

Mrs. Martha Hayes,

c/o Wiley Haynes,

Muskogee, Indian Territory.

Madam:—

The Commission is in receipt of your letter of the 19th instant. In reply you are advised that if it is impossible for you to appear before the Commission at one of its appointments in the Cherokee Nation for the purpose of making an application for enrollment as a Freedman of the Cherokee Nation, the Commission will be in session at Muskogee after the first day of September, 1901, where you can appear.

Very respectfully,

Commissioner.

Department of the Interior.

.....1 ....

Respectfully referred to the Commission to the Five Civilized Tribes for consideration and appropriate action.

[redacted]

Department of the Interior,
RECEIVED
AUG 2 1901
No. 3317
Indian Territory Division.

4.28

Department of the Interior.

Aug. 8, 1901.

Respectfully referred to the Commission to the Five Civilized Tribes for consideration and appropriate action.

Thos Ryan

Acting Secretary.

INDEXED.

COMMISSION TO FIVE TRIBES.

No.	Received	ANSWERED Book	ANSWERED Page
1901		45	37

AUG 13 1901

Haynes Martha
Muskogee. I. T.
July 25th 1901

CHEROKEE.

Desires to be informed as to the status of her case as Cherokee Freedman.

Act July 1, 1902

Muskogee ind ter July 2nd 1901
Mr Secterry interior i Seet my Self
down to rite yaw a few lines in the regards
of my health i am not Well at present but
I do hope hope When these few lines comes
to your hands these may find yaw Well
and doing Well Now i ~~am~~ am martha
hayes on the Cherokee freedmond Was not
able to go out to be in rool for i am Sick
~~and have ben for five months~~ and i thought
i Would in form yaw of it i have drawed
3 three payments i have drawed Wollis payment
and i have drawed the dick Son payment
and i have drawed the lipe payment and i am
living me and my Son in Kernadian de Strict
on the Wollas role ~~mar~~ my name is mary hayes
age thirty 5th years old my boy on the Wollas role
is name allen hayes age eleven" years old
i thought i Would Send my petishen in to
yaw rite at once and please at once gaw me
ansder for i hay not able to meet the Ker
mishners for i have the heart de Zeas
my name Martha hayes of the Cliffton role
age 45 in Kernadian de Strict role and my boys
name on the Same role age 15
martha hayes no in Kernadian Strict 21s-1/3366
allen hayes no 21s-2/3367
iff i am all rite rite and let me no it
back it to Wiley Haynes

File 248-99
I. T. D.
3317-1901.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 8, 1901.

Mrs. Martha Haynes,

Muskogee, Indian Territory.

Madam:

The Department is in receipt of your communication dated July 25, 1901, in which you state that you are a Cherokee freedman and on the roll, but too feeble to meet the Commissioners to be enrolled, and you enclose a two cent stamp.

You are advised that your said communication has been referred to the Commission to the Five Civilized Tribes for consideration and action. The stamp is herewith returned.

Respectfully,

Thos Ryan
Acting Secretary.

COPY

Muskogee, Indian Territory, August 16th, 1901.

Mrs. Martha Hayes,

Muskogee, Indian Territory.

Madam:-

Your letter of the 25th ultimo, with reference to your enrollment as a Cherokee Freedmen, addressed to the Secretary of the Interior, has been referred to this Commission for answer.

You state that you and your son, Allen Hayes, are Cherokee Freedmen and desire to be advised how to proceed in order that you may be listed for enrollment as such.

In reply you are advised that your names appear upon the Clifton roll and upon the Wallace roll of Cherokee Freedmen. If you desire to make an application for enrollment it will be necessary that you appear in person before the Commission at one of its appointments in the Cherokee Nation; a list of which you will find enclosed herewith.

Very respectfully,

(Signed) T. B. Needles.
Commissioner in Charge.

Enc. C. C. N.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
Memorandum.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 1, 1905.

Martha Haynes,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 1, 1905, holding that application was made for the enrollment of yourself and your minor child, Allen Haynes, as Cherokee freedmen, within the time provided by the Act of Congress approved July 1, 1902 (32 Stats., 716).

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 18, 1905, and introduce such testimony as you may desire in support of said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby
Chairman.

Jml, 341
Register

COPY.

Cherokee Freedmen

Memorandum.

Muskogee, Indian Territory, May 1, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:.

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 1, 1905, holding that application was made for the enrollment of Martha Haynes, et al., as Cherokee freedmen, within the time provided by the Act of Congress approved July 1, 1902 (32 Stats., 716).

The said Martha Haynes has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 18, 1905, and introduce such testimony as she may desire in support of said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Incl. S-2

(SIGNED). Tams Bixby.
Chairman.

C

Cherokee Freedman D 1341

Muskogee, Indian Territory, July 12, 1905.

Martha Haynes,
Care of Wiley Haynes,
Muskogee, Indian Territory.

Dear Madam:

Before this office can dispose of your application for the enrollment of yourself and your son as Cherokee freedmen, it will be necessary that you introduce evidence tending to show whether or not you are the daughter of Ben Grimmett. Also, whether you were born before or after the commencement of the rebellion.

You are hereby notified that you will be permitted to appear at the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, July 27, 1905, and introduce testimony as above indicated.

You are further advised that the Cherokee Nation has this day been notified that it will be permitted to appear on that date and introduce in rebuttal such testimony as it may desire.

Respectfully,

[illegible]

Cherokee Freedman D 1341

Muskogee, Indian Territory, July 12, 1905

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In re application for the enrollment of Martha Haynes, et al., as Cherokee freedmen. You are hereby advised that the said Martha Haynes has this day been notified that she will be permitted to appear at the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, July 27, 1905, and introduce testimony tending to show that she is the daughter of Ben Grimmett, and further testimony as to the date of her birth.

You are further advised that the Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire, in rebuttal.

Respectfully,

Commissioner

Cherokee Freedman D-1341.

COPY.

Muskogee, Indian Territory, August 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the Cherokee freedman enrollment case of Martha Haynes et al., the principal applicant was notified to appear before the office of the Commissioner to the Five Civilized Tribes on July 27, 1905, and introduce further evidence in said case. She failed to appear on that day and she has this day been notified that before a decision can be rendered in her case it will be necessary that further testimony be introduced tending to show whether or not she is the daughter of Ben Grimmett.

You are, therefore, hereby notified that she has been requested to advise this office if she desires her case closed, and a decision rendered on the evidence heretofore introduced, and if not she has been notified she would be permitted to appear before this office on August 10, 1905, for the purpose of introducing any testimony she desires as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any evidence in rebuttal it desires.

Respectfully,

(SIGNED) Tams Bixby.

Commissioner.

GEL.

Cherokee Freedman D-1341.

COPY.

Muskogee, Indian Territory, August 5, 1905.

Martha Haynes,

Muskogee, Indian Territory.

Dear Madam:

This office is in receipt, by reference from the Secretary of the Interior, of your letter of July 19, 1905, in further reference to your right to enrollment as a Cherokee freedman.

In reply you are advised that before your right to enrollment as a Cherokee freedman can be definitely determined it will be necessary that you introduce further evidence to show whether or not you are the daughter of Ben Grimmett. On July 13, 1905, you were notified to appear before the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, July 27, 1905, for the purpose of introducing testimony as above indicated.

You are requested to advise this office whether or not you desire your case closed and a decision rendered based on the evidence heretofore introduced by you. If you so desire, you will be given an opportunity to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, for the purpose of introducing such further testimony as you may desire. The Cherokee Nation

M. H. #8.

will also be permitted to appear on that date and introduce in rebuttal such testimony as it may desire.

Respectfully,

(SIGNED).

James Brady.

GHL

Commissioner.

Cherokee Freedmen

D-1341.

COPY.

Muskogee, Indian Territory, August 16, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed you herewith a copy of supplemental testimony of August 10, 1906, in the matter of the application for the enrollment of Martha Haynes, et al., as Cherokee freedmen.

Respectfully,

SIGNED.
Wm O Beall
Acting Commissioner.

LS

Incl. S-36

Cherokee Freedmen

D-1341.

COPY.

Muskogee, Indian Territory, August 16, 1905.

Martha Haynes,

Muskogee, Indian Territory.

Dear Madam:

There is inclosed you herewith copy of supplemental testimony of August 10, 1905, in the matter of your application for the enrollment of yourself, et al., as Cherokee freedmen, together with a receipt for same which you are requested to sign and return to this office.

Respectfully,

(SIGNED) Wm O Beall

Acting Commissioner.

LS

Incl. S-35

Cherokee Freedmen
D 1341

COPY.

Muskogee, Indian Territory, August 28, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the supplemental testimony taken on June 22, 1905, in the matter of the application for enrollment as Cherokee Freedmen of Martha Haynes, et al.

Respectfully,

(SIGNED).

Tams Bixby.
Commissioner

LMB

2 Incl.-B54

Cherokee Freedmen

Copy.

D-1341.

Muskogee, Indian Territory, September 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Martha Haynes, et al., as Cherokee freedmen, you are advised that before a decision can be rendered it will be necessary that further testimony be introduced as to whether or not the principal applicant was the slave of a Cherokee citizen, and if so, whether she left the Cherokee Nation during the civil war, and as to her return thereto and residence therein after the civil war.

The said Martha Haynes has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

PS

Cherokee Freedmen

COPY.

D-1341.

Muskogee, Indian Territory, September 16, 1905.

Martha Haynes,

Muskogee, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of August 24, in reference to your right to enrollment as a Cherokee freedman.

In reply you are advised, as you have been heretofore verbally, that before a decision can be rendered in the matter of your application for the enrollment of yourself and child, Allen Haynes, as Cherokee freedmen, it will be necessary that you appear before the offices of the Commissioner to the Five Civilized Tribes and introduce further testimony as to whether or not you were the slave of a Cherokee citizen, and if so, whether or not you left the Cherokee Nation during the civil war, and as to your return thereto and residence therein after the civil war.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, and intro-

-2-

dume testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

ENCL.

Acting Commissioner.

LS

Register

38 1341

COPY.

Muskogee, Indian Territory, September 23, 1905.

Martha Haynes,

Care of Wiley Haynes,

Muskogee, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of September 4, in further reference to the right to enrollment of yourself and child as Cherokee freedmen.

In reply you are advised that the Cherokee Freedmen enrollment case of yourself, et al., has been set for hearing before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, at which time you have heretofore been notified to be present and introduce further testimony as to your right to enrollment.

The testimony of August 10, 1905, taken in your enrollment case, which was transmitted with your letter, is returned you herewith, together with the former letters of this office inclosed with your letter.

Respectfully,

Chief.

Encls. 6-28

Cherokee
F B-1341.

COPY.

Muskogee, Indian Territory, November 6, 1905.

Merritt Ellick,

Attorney for Martha Haynes, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, on November 2, 1905, in the matter of the application for the enrollment as Cherokee freedmen of Martha Haynes, et al., Cherokee Freedman D-1341.

Respectfully,

SIGNED:

Tams Bixby.

Commissioner.

Incl. GL-94.
GHL

COPY.

Cherokee Freedman
D-1341

Muskogee, Indian Territory, November 4, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings had in the matter of the application for the enrollment as Cherokee freedmen of Martha Haynes, et al., Cherokee Freedman D-1341, taken at Muskogee, Indian Territory, on November 2, 1905.

Respectfully,

Tams Bixby.
Commissioner.

Incl. GL-93.
GHL

Land
17408-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

(COPY) WASHINGTON. January 7, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 20, 1906, transmitting the record relative to the application of Martha Haynes et al., for enrollment as Cherokee freedmen.

On February 15, 1905, Martha Haynes testified before the Commission to the Five Civilized Tribes relative to an application alleged to have been made in writing for the enrollment of herself and her son, Allen Haynes, as Cherokee freedmen.

On February 20, 1906, the Commissioner held that the application above referred to was sufficient, but that the applicants were not entitled to such enrollment.

The principal applicant claims the right to be enrolled as a Cherokee freedman under the provisions of Article 2 of the Treaty of 1866.

A preponderance of the evidence established the fact that the applicant is not entitled to such enrollment, under the provisions of the Article above cited.

Allen [redacted] son of the principal applicant, [redacted]

ne right to be enrolled as a Cherokee freedman other than that derived from his mother.

The decision of the Commissioner adverse to the applicants is recommended for approval.

Respectfully,

C. F. Larrabee,

HRD--SD Acting Commissioner.

D.C. 6306-1907. (COPY)
I.T.D.360-1907. C R.W.

LRS.

DEPARTMENT OF THE INTERIOR LLB.

WASHINGTON.

January 29, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 20, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Martha Haynes and her son, Allen Haynes, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 7, 1907 (Land 17408-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Off.

Cherokee
R.D.1341

Muskogee, Indian Territory, February 16, 1907.

Martha Haynes,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting your application for the enrollment of yourself and son Allen Haynes, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 29, 1907.

Respectfully,

HJC

Commissioner.

Cherokee F.
D 1341.

Muskogee, Indian Territory, February 15, 1907.

Merritt Belick,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, rejecting the application for the enrollment of Martha Magnes, et al., was affirmed by the Secretary of the Interior January 29, 1907.

For your information there is enclosed herewith a copy of Departmental decision rendered.

Respectfully,

Encl.EJ-38.
EJC

Cherokee P
D 1341.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for the enrollment of Martha Haynes, et al., was affirmed by the Secretary of the Interior, January 29, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-57.
HJC

Commissioner.

COPY.

Muskogee, Indian Territory, February 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Martha Haynes and her son, Allen Haynes, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting said application.

Respectfully,

SIGNED

Wm O Beall

Acting Commissioner.

Incl. GL-126.
GHL

Through the Commissioner
of Indian Affairs.

Cherokee
F D 1341

COPY.

Muskogee, Indian Territory, February 20, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for the enrollment of Martha and Allen Haynes as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED)
W. O. Beall
Acting Commissioner.

Incl. GL-125.
GHL

Cherokee
F D 1341.

COPY.

Muskogee, Indian Territory, February 20, 1906.

Merritt Ellick,

Attorney for Martha Haynes, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for the enrollment of Martha Haynes and her son, Allen Haynes, as Cherokee freedmen, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner.

Incl. GL-124.
GHL

Cherokee
F D 1341

COPY

Muskogee, Indian Territory, February 20, 1906.

Martha Haynes,

Muskogee, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for the enrollment of yourself and son, Allen Haynes, as Cherokee freedmen. Your attorney, Merritt Ballick, Muskogee, Indian Territory, has this day been furnished with a copy of the record of proceedings together with a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED

Wm O Beall

Acting Commissioner.

Incl. GL-123.
GHL

Register.

Cherokee Freedmen
D 1341

Muskogee, Indian Territory, March 21, 1907

Wiley Haynes ,

Care of George Wade,

Wybark, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior , of your letter of February 27, 1907, in further reference to the right to enrollment as a Cherokee freedman, of your wife, Martha Haynes and her son, Allen Haynes.

In reply you are advised, as you have been heretofore, that on January 29, 1907, the Secretary of the Interior denied the application for the enrollment of Martha and Allen Haynes as Cherokee Freedmen. In this connection you are further advised that the Act of Congress approved April 26, 1906 (34 Stat. 137), provides in part as follows:

"That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

L W B

Commissioner

Muskogee, Indian Territory, Aug 15th, 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Martha Haynes et al (D 1341) (Supl 8/10/5)

Attest.

Martha Haynes Fisher
Witness for Applicant

J. G. Walker
C. R. Whitmore

Cher Fr R 1259

Trans. from Cher Fr D 1342

Cher Fr R 1259

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Caddo, I.T., August 21, 1899.

In the matter of the enrollment of George Lynch, said Lynch being sworn by Commissioner Needles and examined by him at als., testified:

I am 51 years old. I belonged to Joe Martin, a Cherokee. I married Adaline Dunn ten years ago. She is a Choctaw and belonged to Mrs. John Spring. Mrs. Spring was a Choctaw. I have some children.

My first wife's name was Cinda Garland. She was the slave of the Garland family and they were Choctaws.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

[signature]

Choctaw F.D. 155
Cherokee F.D. 1342

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Lynch as a Choctaw (Cherokee) freedman.

--o--

O R D E R .

--o--

THE RECORDS OF THIS OFFICE SHOW: That on August 21, 1899, George Lynch appeared before the Commission to the Five Civilized Tribes, at Caddo, Indian Territory, and testified in connection with his application for enrollment, as follows: "I am 51 years old. I belonged to Joe Martin, a Cherokee. I married Adaline Dena ten years ago. She is a Choctaw and belonged to Mrs. John Spring. Mrs. Spring was a Choctaw. I have some children;" and that said George Lynch was listed for enrollment on Choctaw freedmen card, field No. D-155.

THE EVIDENCE IN THIS CASE SHOWS: That said George Lynch does not claim to be a freedman citizen of the Choctaw Nation, but claims to be a freedman citizen of the Cherokee Nation.

IT IS THEREFORE ORDERED: That the enlistment of George Lynch on Choctaw freedmen card No. D-155 be cancelled; that he be listed for enrollment on Cherokee freedmen card No. D-1342; that the record in Choctaw freedmen case D-155 be transferred to Cherokee freedmen case No. D-1342, and that proper steps be taken in order to determine the right to enrollment as a Cherokee freedman of said George Lynch.

Commissioner.

Muskogee, Indian Territory,
this DEC 16 1905

Cherokee Freedman D 1342.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 25, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE LYNCH as a Cherokee Freedman.

APPEARANCES:
For Applicant, In person.
For Cherokee Nation, J. S. Davenport.

The records of this office show that on January 4, 1906, the applicant and the attorneys for the Cherokee Nation were notified that they would be permitted to introduce any evidence they desired in this case on January 25, 1906, at which time the following proceedings were had.

GEORGE LYNCH, being first duly sworn, testified as follows:

ON BEHALF OF COMMISSIONER:
Q What is your name? A George Lynch.
Q How old are you? A I am 46.
Q What is your post office? A Bokchito.
Q You claim to be a freedman citizen of some Nation in Indian Territory? A Yes sir, I claim to be a Cherokee citizen of the Cherokee Nation.
Q What is the name of your father? A My father was Will Lynch, or William Lynch.
Q Is he living? A He was about 8 years ago, he was living.
Q Washe a Cherokee freedman? A Yes sir.
Q Did helive in the Cherokee Nation? A Yes sir.
Q What is the name of your mother? A My mmm mother's name was Tib.
Q Tib Lynch? A Yes sir, that was her name but not at the time of her death.
Q What was her last name? A She married a Choctaw freedman the last time, Tob Chock, that was her last name.
Q She is dead is she? A Yes sir.
Q Was she a Cherokee or Choctaw freedman or either? A She was a Cherokee freedman, she belonged to a Cherokee.
Q Are you married? A Yes sir.
Q What is the name of your wife? A My wife is Adaline.
Q She got any other name? A No sir, she was a Dana before I married her.
Q Have you some children? A Yes sir.
Q Are they enrolled as Choctaw freedmen? A Yes sir.
Q Were you married before you married your present wife? A Yes sir.
Q What wasyour former wife's name? A Her name was Lucinda, she was Lucinda Garland before I married her.
Q Are you the identical George Lynch who appeared before the Commission to the Five Civilized Tribes on August 21, 1899 and made application for enrollment? A At Caddo.

Q Yes? A I am the one that made application for my wife but not myself. I never did claim Choctaw freedman.
Q Did you at that time make application for your own enrollment as a citizen of the Cherokee Nation? A No sir, I stated to them but they said they couldn't handle me case then, said they couldn't handle my case at that time.
Q What was the nameof your owner? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes sir, so said to be, he was a Cherokee citizen.
Q Cherokee by blood? A Yes sir, that is what they told me, I was small, I just sorter remember him.
Q To whom did your father William Lynch belong? A He belonged to Joseph Lynch.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Was said to be.
Q To whom did your mother belong? A She belonged to Joe Martin.
Q Same owner as you? A Yes sir.
Q Did you leave the Cherokee Nation during the war or before the war?
A I left during the war, I was a refugee.
Q Where did you go? A We went into the Choctaw Nation. First went into the northern part of Texas and then back to the Choctaw Nation
Q How long did you stay in the State of Texas? A Well I really don't know, I really can't say because I was real small. No more than what my mother said, I don't suppose it was long.
Q How long did you stay in the Choctaw Nation? A I have been staying there ever since I was left a refugee, when I was small, ever since.
Q You left the Cherokee Nation during the war and went to Texas and stayed there awhile and then came to the Choctaw Nation? A Yes sir.
Q Have you been there ever since? A Yes sir.
Q Have you ever made your home in the Cherokee Nation since the war? A No sir.
Q Have you ever owned or controlled any property in the Nation since that time? A No sir.
Q Have you ever been in the Cherokee Nation? A Yes sir.
Q For what length of time? A I was there about three months.
Q When was that? A That was in the year of 1889 if I mistake not. just as near as I can remember.
Q Is that the only time you have ever been in the Nation? A No sir, I have been there since then.
Q For what length of time? A I was there about two months.
Q When was that? A That was along about '96 somewhere, along about there as near as I can remember.
Q Was that the last time you have been in the Cherokee Nation?
A Yes sir.
Q haveyou ever been enrolled by the Tribal authorities as a citizen of the Cherokee Nation? A Well not knowingly.
Q have you ever drawn any money from the Cherokee Nation? A No sir, never drawed any money. What I want to say I was enrolled on one roll, that was my business when I was up there in '89.
Q You never have drawn any money from the Cherokee Nation? A No sir.
Q When you appeared before the Commission at Caddo on August 21, 1899, you testified that you were 51 years of age at that time, you state now that you are 46? A Well I seen the statement but then the way I made before the Commission, of course I was born in the year '59, that is the year I was born in, and they were enrolling and I had married a Choctaw freedman and went up there to enroll and they asked me and I told them I wasn't a Choctaw freedman that I was a Cherokee freedman.
Q Well how about your age? A My age,--my age is 46.

Q Yes? A I am the one that made application for my wife but not myself. I never did claim Choctaw freedman.
Q Did you at that time make application for your own enrollment as a citizen of the Cherokee Nation? A No sir, I stated to them but they said they couldn't handle me case then, said they couldn't handle my case at that time.
Q What was the nameof your owner? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes sir, so said to be, he was a Cherokee citizen.
Q Cherokee by blood? A Yes sir, that is what they told me, I was small, I just sorter remember him.
Q To whom did your father William Lynch belong? A He belonged to Joseph Lynch.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Was said to be.
Q To whom did your mother belong? A She belonged to Joe Martin.
Q Same owner as you? A Yes sir.
Q Did you leave the Cherokee Nation during the war or before the war?
A I left during the war, I was a refugee.
Q Where did you go? A We went into the Choctaw Nation. First went into the northern part of Texas and then back to the Choctaw Nation
Q How long did you stay in the State of Texas? A Well I really don't know, I really can't say because I was real small. No more than what my mother said, I don't suppose it was long.
Q How long did you stay in the Choctaw Nation? A I have been staying there ever since I was left a refugee, when I was small, ever since
Q You left the Cherokee Nation during the war and went to Texas and stayed there awhile and then came to the Choctaw Nation? A Yes sir.
Q Have you been there ever since? A Yes sir.
Q Have you ever made your home in the Cherokee Nation since the war? A No sir.
Q Have you ever owned or controlled any property in the Nation since that time? A No sir.
Q Have you ever been in the Cherokee Nation? A Yes sir.
Q For what length of time? A I was there about three months.
Q When was that? A That was in the year of 1889 if I mistake not. just as near as I can remember.
Q Is that the only time you have ever been in the Nation? A No sir, I have been there since then.
Q For what length of time? A I was there about two months.
Q When was that? A That was along about '96 somewhere, along about there as near as I can remember.
Q Was that the last time you have been in the Cherokee Nation?
A Yes sir.
Q haveyou ever been enrolled by the Tribal authorities as a citizen of the Cherokee Nation? A Well not knowingly.
Q Have you ever drawn any money from the Cherokee Nation? A No sir, never drawed any money. What I want to say I was enrolled on one roll, that was my business when I was up there in '89.
Q You never have drawn any money from the Cherokee Nation? A No sir.
Q When you appeared before the Commission at Cadde on August 21, 1899, you testified that you were 51 years of age at that time, you state now that you are 46? A Well I seen the statement but then the way I made before the Commission, of course I was born in the year '59, that is the year I was born in, and they were enrolling and I had married a Choctaw freedman and went up there to enroll and they asked me and I told them I wasn't a Choctaw freedman that I was a Cherokee freedman.
Q Well how about your age? A My age,--my age is 46.

Q How did you happen to give it as 51 when you appeared there at Caddo? A Well I don't know sir, it was a mistake somewheres.
Q You were born in 1859 were you? A Yes sir.

BY MR. DAVENPORT:
Q You don't know anything about the war do you? A No sir.
Q You don't know anything about your ownership do you prior to the breaking out of the war? A No sir, not more than what they told me.
Q When you can first recollect where were you living? A I was living in the Choctaw Nation when I first recollect.
Q Can you remember living in Texas? A No sir.
Q You have lived, I believe, you say ever since the war down in the Choctaw Nation? A Yes sir.
Q And you never owned any property in the Cherokee Nation since the war? A No sir.
Q And have nevpr lived in the Cherokee Nation since the war, that is had a home? A No sir, not a home.
Q Do you know where Joe Martin lived before the war of your own knowledge? A No sir, I don't know where he lived.
Q Do you know where Joe Lynch lived? A No sir, I don't know where he lived.

ON BEHALF OF THE COMMISSIONER:
Q Have you any further testimony that you desire to offer? A Yes sir, I have an affidavit here I would like to offer.
Q This office does not file affidavits in citizenship matters, if you desire to introduce the testimony of the person who signed the affidavit it will be necessary for you to introduce his testimony in person. Have you any further testimony that you desire to offer in your case? A Why no more than that I was----made application in '69 before the Commissioners at the Capital, about '69.
Q Have you any other witnesses that you want to introduce? A Yes sir, if I can get them here, I have written to my father, I don't know whether he is living or not, I haven't heard from him but I have written and I haven't got no reply. As soon as I got that notice I written him.

BY MR. DAVENPORT:
Q To what post office did you write him? A It was a little post office right below down on Grand River, what they call Island Ford.
Q Do you remember the name of it? A No sir, it was just a branch office , they taken out the mail from Adair. I written to Adair but I haven't got no return. The man that was coming with me his wife was poorly, laying low and he couldn't come with me.

ON BEHALF OF THE COMMISSIONER:
Q Do you want to continue your case in order that you may make an effort to get further testimony or your case closed and a decision rendered on the evidence already introduced? A Why if the Commission could give me a chance to furnish further evidence I would like to do so.

Were you ever known by any other name besides George Lynch? A No sir, no other name, that name all the time.

The Tribal rolls of the Cherokee Nation in the possession of this office have been examined and the name of the applicant can not be identified upon any of them.

This case was here continued by agreement until February 8, 1906, at nine o'clock A. M.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled Cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 26th day of January, 1906.

Myron Stites

Notary Public.

Cherokee Freedman D 1342.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 29, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE LYNCH as a Cherokee freedman.

APPEARANCES:
Applicant appears in person.
Cherokee Nation, W. W. Hastings.

It appears from the records of this office that this case was set for hearing on March 8, 1906, and that on motion of the Commissioner the same was continued until March 29, 1906, at which time the following proceedings were had.

JACOB JAMES, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Jacob James.
Q How old are you? A I am 66 years old.
Q What is your post office? A Bokchito.
Q What are you? A Choctaw freedman.
Q Do you know the applicant, George Lynch? A Yes sir.
Q He claims to be a Cherokee freedman? A Yes sir.
Q Do you know whether he was a slave at the breaking out of the Civil war? A Yes sir.
Q Do you know that of your own knowledge? A At the breaking out of the war?
Q Yes? A Well I know it in about '64, that is when I got acquainted with him.
Q Whereabouts did you get acquainted with him? A At Sulphur Springs Choctaw Nation.
Q What was he doing there? A His owners had refugeed from this country down there and they lived there at Sulphur Springs.
Q Do you know his owner's name? A Yes sir.
Q What was it? A Joe Martin.
Q Do you know whether Joe Martin was a Cherokee citizen? A He said he was.
Q You don't know anything about that of your own knowledge? A No sir, he claimed to be a Cherokee.
Q How long did you know George Lynch there? A Ever since then.
Q Where has he lived since then? A Right there around me close to Bokchito.
Q Has he lived there ever since then? A Yes sir.
Q He has lived there continuously since you knew him in '64? A Yes sir.
Q Is his wife a citizen of the Choctaw Nation? A Yes sir.
Q Choctaw freedman? A Yes sir, she is my niece.
Q Did you know the mother of George Lynch? A Yes sir.
Q What was her name? A Tib.
Q Tib what? A Well I don't know, Tib Lynch I reckon, she said her husband was a Lynch. She didn't have a husband with her when she went down there, and she said that was her husband's name.

Q Was George's mother a slave of the same person George was? A Yes sir, of Joe Martin.
Q His mother living? A No sir, she is dead.
Q Where did she die? A She died there.
Q In the Choctaw Nation? A Yes sir, she died when he was a small boy yet.
Q Did she live there in the Choctaw Nation from the time you knew her in '64 until the time of her death? A Yes sir.

BY MR. HASTINGS:
Q About how long after the war did she die? A I think she died about '75, somewhere along there, '75 or '6.
Q She lived down therein the Choctaw Nation until she died? A Yes sir.
Q And George has always lived in the Choctaw Nation since the war?
A Yes sir, he lived with her until she died, and I taken him and raised him.

ON BEHALF OF THE COMMISSIONER:

To the applicant:
Q Have you any more testimony you want to introduce in the case or do you want it closed and a decision rendered? Applicant: That is all the testimony I have.

Mr. Hastings: The Cherokee Nation submits the case.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 29th day of March, 1906.

Chas. E. Webster
Notary Public.

C763

COPY.

Cherokee Freedmen D 1342

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Lynch as a Cherokee Freedman.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Caddo, Indian Territory, on August 21, 1899, George Lynch appeared before the Commission to the Five Civilized Tribes and testified, in part, as follows: I am 51 years old. I belonged to Joe Martin, a Cherokee. I married Adaline Dana ten years ago. She is a Choctaw and belonged to Mrs. John Spring. Mrs. Spring was a Choctaw. I have some children. The said George Lynch was listed for enrollment on Choctaw Freedman D card 155.

The records further show that on December 7, 1905, the said George Lynch wrote to this office stating that he claimed the right to enrollment as a Cherokee Freedman and desired an opportunity to introduce testimony to show his rights as such; that on December 16, 1905, by order of the Commissioner, the enlistment of George Lynch for enrollment as a citizen of the Choctaw Nation, on Choctaw Freedman card D 155 was cancelled, and said applicant was listed for enrollment as a Cherokee Freedman on Cherokee Freedman card D 1342. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 25 and March 29, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That George Lynch, applicant herein, was the slave of a Cherokee citizen at the commencement of the rebellion, and that during said rebellion he left the Cherokee Nation and has never since returned thereto, and established a residence therein.

Said applicant can not be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George Lynch is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 27 1906

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated December 16, 1905, cancelling the enlistment of George Lynch on Choctaw Freedman Card D 155 and listing his name on Cherokee Freedman card No. D 1342 as an applicant for enrollment as a Cherokee freedman. There is also inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of the said George Lynch.

You are advised that this applicant has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, January 25, 1906, and introduce further testimony as to his right to enrollment as a Cherokee freedman. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Respectfully,

Commissioner.

Incl. 61-61.
CHL

Caddo I.T. Jan
Aug the 7 1905

Dear Sir Commission
to the five civilized Tribes
Muskogee I.T. Sir I am of the 28
mixed in which I have to say.
in regards of my rites I have
never yet made application as
Choctaw Freedman. I am a
Cherokee Freedman. and on the
6 or 7 of September 1904 at
Atoka I.T. I made a statement
before your honorable
Commission as to my rites

as a Cherokee freedman so
you did not let me know
about my statement I made
at that time so I did not
know what to do. So yours
there if I had any chance
to get my rites as Cherokee
freedman Please let me know
at once or if not let me know
or I would like to established
my rites as [illegible] with
the Cherokee freedman if you

3.

[illegible] article of such
Prof. [illegible] kindly let me
know if I can give you
[illegible] of value
[illegible] Yours truly

Muskogee, Indian Territory, January 4, 1906.

George Lynch,

Bokohito, Indian Territory.

Dear Sir:

Referring to your letter of December 7, 1905, in which you state that you have never made application for enrollment as a Choctaw freedman but that you claim freedman citizenship in the Cherokee Nation, there is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated December 16, 1905, cancelling your enlistment for enrollment as a freedman of the Choctaw Nation and listing your name as an applicant for enrollment as a freedman citizen of the Cherokee Nation. You are advised that before your right to enrollment as a Cherokee freedman can be determined it will be necessary that you introduce further testimony as to whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion or a free colored person residing in the Cherokee Nation at the commencement of said war, and if so as to the date of your return to the Cherokee Nation after the war, and your residence and property interest therein after the war.

You are, therefore, hereby notified to appear before the office of the Commissioner tothe Five Civilized Tribes at Muskogee,

George Lynch--2.

Indian Territory, at nine o'clock A. M. on Thursday, January 25, 1906, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in your case.

Respectfully,

GHL

Commissioner.

Incl. GL-52.

Cherokee
F D 1342.

Muskogee, Indian Territory, January 26, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony had in the matter of the application for the enrollment of George Lynch as a Cherokee freedman, taken at Muskogee, Indian Territory, on January 25, 1906.

Respectfully,

Incl. GL-75.
GHL

Acting Commissioner.

Cherokee Freedmen

D-1342.

Muskogee, Indian Territory, February 10, 1906.

George Lynch,

Bokchito, Indian Territory.

Dear Sir:

This office is in receipt of your letter of February 5, stating your inability, on account of sickness, to appear before the offices of the Commissioner to the Five Civilized Tribes on the 8th inst., on which date your Cherokee freedmen enrollment case was set for hearing.

In reply you are advised that the hearing in your case has been continued from February 8, to March 8, 1906, at nine o'clock A. M., at which time you will be given an opportunity to appear before the offices of the Commissioner and introduce such further testimony as you desire tending to prove your right to enrollment as a Cherokee freedman. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in your case.

The affidavits inclosed with your letter are returned herewith, and you are advised, as you have been heretofore verbally, that this office does not file affidavits in connection with citizenship cases in the Cherokee Nation.

Respectfully,

Encl. 8-18

Cherokee
F D 1342

Muskogee, Indian Territory, February 27, 1906.

George Lynch,

Bokchito, Indian Territory.

Dear Sir:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of yourself has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

Acting Commissioner.

Cherokee
F D 1548

Muskogee, Indian Territory, February 27, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedmen enrollment case of George Lynch has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

COPY.

Cherokee Freedmen
D-1342

Muskogee, Indian Territory, June 27, 1906.

George Lynch,

Bokchito, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedman, together with a copy of the decision of the Commissioner to the Five Civilized Tribes dated June 27, 1906, rejecting your said application.

The decision, together with the records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED.
Tams Bixby.
Commissioner.

Encl. M.J.-125.
M.J.C.

Register.

COPY.

Cherokee Freedmen
D-1342

Muskogee, Indian Territory, June 27, 1906.

Bell, Hastings and Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application of George Lynch for enrollment as a Cherokee Freedman.

The decision, together with records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior, for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

Encl. H.J.126.
H.J.C.

COPY.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of George Lynch for enrollment as a Cherokee Freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting said application.

Respectfully,

SIGNED:

Tams Bixby.

Commissioner.

Encl. H.J.-127.
H.J.C.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR

Land
66234-1906.

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith for Departmental consideration report of Commissioner Bixby, dated June 27, 1906, together with the record in the matter of the application of George Lynch, for enrollment as a Cherokee freedman.

The record shows that on August 21, 1899, the applicant appeared before the Commission at Caddo, I. T., and testified that he was 51 years old; that he belonged to Joe Martin, a Cherokee citizen; that about ten years prior to date of testifying he married Adaline Dana, a Choctaw, who was a slave of Mrs. John Spring, a Choctaw citizen; and that he has children. George Lynch, was listed for enrollment on Choctaw freedmen card, field D. 155.

The Commissioner reports that on December 7, 1905, the applicant addressed a communication to his Office, a copy of which accompanies the record, in which he claims the right to enrollment as a Cherokee freedman and requested an opportunity to introduce testimony to show his right as such, that on December 16, 1905, the enlistment of George Lynch, for enrollment as a citizen of

the Choctaw Nation, as above, was canceled, and applicant was enlisted for enrollment as a Cherokee freedman on Cherokee freedman card D 1342. Further proceedings were had at Muskogee, on January 25 and March 29, 1906.

The record shows that the applicant was a slave of a Cherokee citizen at the commencement of the civil war and that during the war he left the Cherokee Nation and has never returned thereto or established a residence therein.

Commissioner Bixby says the applicant can not be identified on anyroll of the Nation in the possession of his office.

It is recommended that the application of George Lynch for enrollment as a Cherokee freedman be denied, it appearing that he is not entitled to enrollment under Section 3, Act of April 26, 1906, (34 Stat. L.137).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A.J.W.

M.B.M.

(COPY)

D.D.55237-1906. J.P.Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.24462-1906. December 13, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 27, 1906, you transmitted the record in the matter of the application for the enrollment of George Lynch as a Cherokee freedman, including your decision of the same date, adverse to the applicant.

Reporting December 5, 1906 (Land 56234), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee Freedmen
D-1342.

Muskogee, Indian Territory, January 2, 1907.

George Lynch,

Bokchito, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, denying your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 13, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-23.
JMH

Commissioner.

Cherokee Freedmen
D-1742.

Muskogee, Indian Territory, January 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, denying the application for enrollment of George Lynch as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 13, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-24
JMH

Cher Fr R 1260
Trans. from Cher Fr D 1268

Cher Fr R 1260

R
Chef F D 1268

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES DULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

Emmet STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mary Lynch, page 97, # 18, Canadian District; Freedman adopted;

Casdona Lynch, page 97, # 19, Canadian District; Freedman adopted;

Alice Lephew, page 97, # 20, Canadian District; Freedman adopted;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this August 18, 1902.

B E Jones
Notary Public.

Cherokee Freedman 2-1268.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Mary Lynch as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mary Lynch as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Mary Lynch is identified on the Cherokee ~~Census~~ roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed No information has been obtained tending to show the status of Mary Lynch on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Mary Lynch as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905.

Cherokee Freedman D-1268.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Casdona Lynch as a citizen of the Cherokee Nation.

--:--

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Immet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Casdona Lynch as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That said Casdona Lynch is identified on the Cherokee Census roll of 1896 as a Cherokee freedman.

The application made on June 30, 1902, in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission, and the Commissioner, to the Five Civilized Tribes, have diligently sought information that would enable them to identify the persons whose names are included therein.

During the months of August, September and October, 1902, the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session, each and every member of which, upon request, appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party, traveling overland, has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903, at Vinita, and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902, and if so, whether or not they were entitled to Cherokee citizenship on that date.

On July 31, 1905, a published list containing the names of all persons included in these applications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905, would be dismissed unless information has been obtained tending to show the status of Casdona Lynch on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Casdona Lynch as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 27 1905

Cher Fr R 1261
Trans. from Cher Fr 282

Cher Fr R 1261

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
ARCHIBALD S. MCKENNON.
THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

H R-1261

Wilburn Jones Nat.

For record see
No [illegible] Army Index
Cards.

Cher Fr R 1262

Trans. from Cher Fr 389

Cher Fr R 1262

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 12, 1901.

In the matter of the application of Mary Robbins for enrollment as a Cherokee Freedman, and one grandchild as a Cherokee Freedman.

Mary Robbins, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Rogers.
Q How old are you? A Near 50 years old.
Q What is your post office? A Melvin.
Q What district is that in? A Tahlequah district.
Q Do you apply to be enrolled as a Cherokee Freedmen? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Does your name appear upon the rolls of the Cherokee Nation?
A Yes sir.
Q Who do you desire to enroll besides yourself? A My children.
Q How many children? A Four.
Q Give me the names of your children? A James Rogers.
Q How old is he? A About 30.
Q He must come himself; I want to get the names of the younger children under 21 years of age. A I can't ~~kkkk~~ just tell you how old they are.
Q What is the name of the next one after James? A Albert.
Q How old is Albert? A He must be about 24 or 25.
Q He must come himself; what is the name after Albert? A Lillie.
Q Is she married? A Yes sir.
Q She must come herself; what is the next one? A Dollie.
Q Is she married? A No sir.
Q Is she at home with you? A Yes sir.
Q Is she about 15? A Yes sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Heck Robbins.
Q How long have you been living with Heck Robbins? A I can't tell you how long, I don't know how long I have been married; I don't stay there at all, I am backwards and forwards.
Q Been married to him 20 years? A I don't think so.
Q Did you ever go by any other names besides Rogers? A No sir, just Rogers.
Q What is Dollie's name? A Dollie Rogers.
Q Your name isn't on the roll of 1880? A I don't know.
Q You don't know that it is not?

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kerns-Clifton pay-roll examined, and the applicants identified thereon as follows:
Mary Rogers on page 133, No. 3308, Tahlequah district.

Q If you married Robbins why isn't your name Robbins sinstead of Rogers? A Well sir, you see Rogers was my first husband and my children, these children's father, that is the reason, and I had t their names put down here Rogers; that was the reason.
Q Well, after Rogers died you married Robbins, didn't you?
A Yes sir, but I stayed single for a long time.
Q If you married Robbins, then you ought to be Robbins, oughtn't it?
A Yes sir.
Q Well your name now ought to be Robbins? A Yes sir, I guess so.
Q Is your husband living? A Yes sir.
Q You and him living together? A Yes sir.
Q Were you a slave? A Yes sir.
Q What was the name of your owner? A Arly Cochran.

Q Was he a Cherokee Indian? A Yes sir, a Cherokee full blood.
Q Where were you at the beginning of the big war between the United States and the Confederacy? A Right at home with my mistress.
Q Where did you go during the war? A North.
Q To Kansas or Missouri? A To Fort Scott, Kansas.
Q When did you come back? A I came back in the year 1866.
Q Are you right sure of that? A Yes sir, to my mistress, my young mistress was the only one living.
Q Is she living now, your young mistress? A Yes sir.
Q What is her name? A Nancy Riddles some calls her, and some calls her Nancy Raper.
Q Do you live close to her now? A Yes sir, I live way this side.
Q Then you have been living in the Cherok e Nation ever since that? A I have been living in the Cherokee Nation, going backwards and forwards.
Q And Dollie is your child by your first husband Rogers? A Yes sir
Q Can't you get your old mistress to come here and testify for you? A Yes sir, she is here.

Nancy Benge, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sometimes they call me Nancy Riley and Nancy Benge.
Q How old are you? A I must be about 50 or 60.
Q Are you a Cherokee citizen? A Yes sir, a Cherokee citizen.
Q What is your post office? A Wagoner.
Q Do you know Mary Rogers? A Yes sir.
Q How long have you known her? A Ever since we were little.
Q Was she a slave? A Yes sir.
Q Were you her owner? A Yes sir.
Q Where was Mary Rogers at the close of the war in 1866? A She was right here in 1866; she came here, I know she came ~~know~~ in before 1866.
Q Been here ever since? A Yes sir, but then she went backwards and forwards just like the rest of us.
Q Do you know the reason her name isn't on the roll of 1880; her name isn't on the roll of 1880; do you know the reason? A No sir. she is a citizen all right enough, she used to belong to us.
Mr. J. S. Davenport, attorney for the Cherokee Nation: Did you go north with the applicant here, Mary Rogers, when the party moved out? A I stayed right at home.
Q You didn't go with her when she went north? A No sir, I never left home.
Q She cameback to your house in Tahlequah district some time after the war closed? A Yes sir, she came on this side the river.
Q Do you know what year she came back? A She came back in 1866.
Q You were before the Commission before, wasn't you, the Kerns Clifton Commission, and testified, about four years ago? A I guess I did.
Q Didn't you say then that she came to your house about three years after the war? A No, I didn't say that.
Q What makes you remember she came back here in 1866? A They all was to come back here in time you know.
Q Was that in the summer or fall or winter? A I think it was in the summer, I am not right sure.
Q You are not right sure but what it might have been in 1867? A No sir, for we didn't learn nothing then.
Q What part of Tahlequah district were you living in when she came back to you? A Right on the river, and I am there yet, not far from Bald Mountain.
Q She went away to Kansas and came back after peace was declared sometime? A Yes sir.

The Kerns-Clifton pay-roll examined and the applicant, Dollie Rogers identified thereon, page 135, No. 1311, Tahlequah dist.

M.R. 2.

Mary Robbins, recalled, testified:

Mr. Davenport: Who did you come back to the Cherokee Nation with after the close of the war? A There was a good many people came, I didn't know exactly who they were.
Q You testifed before the Kerns Commission as to who you came back with, didn't you; didn't you testify then you came back with Steve Looney? A No sir, not Steve Looney.
Commissioner Needles: Is Dollie Rogers your child? A Yes sir, Dollie is my child; It is my grandchild, but I will tell you, she died at the birth and I picked her up before it; her mother, my own little daughter, and I turned in and took her.
Q What was Dollie's mother's name? A Fannie.
Q Is Fannie living? A No sir, she is dead.
Q Did she die when Dollie was born? A Yes sir, she died.
Q Fannie was your child? A My own little child, and she was a Rogers.
Q What was Dollie's father's name? A Atkins.
Q They were not married, were they? A No sir.

Commissioner Needles: The name of Mary Robbins cannot be found upon the authenticated roll of 1880, and the census roll of 1896. Her name is found upon the Kerns-Clifton roll. She avers that she was a slave and belonged to one Arly Cochran. She was taken out of the Nation during the war between the Confederacy but returned in 1866. Her old owner testified that she was here in the year 1866; that she returned in time. She is duly identified and makes satisfactory proof as to residence. She avers that she has one grandchild, the child of her daughter, now deceased, who is under 21 years of age, and whose name is found upon the Kerns Clifton roll, but cannot be found upon the roll of 1896. Satisfactory proof is made as to her citizenship, and said Mary Robbins and her grandchild, Dollie Rogers, will be listed for enrollment as Cherokee Freedmen.

Comes now the representatives of the Cherokee Nation and protest against the enrollment of the applicants, Mary Rogers and her child, Dollie Rogers, for the reason that her name does not appear upon the authenticated roll of 1880.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoingis a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Subscribed and sworn to before me this the 12th day of April, 1901.

T. B. Needles,
Commissioner.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original transcript in this case.

Wm Hutchinson

Subscribed and sworn to before me this 17th day of March, 1903.

Edward Merrick
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 29 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 15 1901

Post Office Melvin

District Tahl.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Mary [illegible] Robbins Age 50

Owners name Carlos Cochran Citizenship Cherokee

Year K.C. Page 133 No. 3308 District Tahl

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

(2) James Dollie Rogers (Grandchild) Year K.C. Page 133 No. 3311 Dist. Tahl. - 15

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

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7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Roll Stenographer Jones B C.

(1) on K C Roll as Mary Rogers

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 2nd, 1903.

In the matter of the application of Mary Robbins for the enrollment of herself; her grand-daughter, Dollie Rogers, and her great grand-son, Sherman Jones, as Cherokee Freedmen.

Supplemental to F-389.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

Mary Robbins, being duly sworn, testified as follows:

Examination by the Commission.

Q State your name? A Mary Robbins.
Q How old are you? A Lord a' Masse, I couldn't tell you how old I is. You can know I am old when you see my head. I am an old woman.
Q What is your post office, Melvin? A When I am there it is Melvin. When I an't it is Bristow.
Q Aren't you living with your husband? A Yes sir.
Q You claim to be a Cherokee Freedman? A Yes sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q What was your mother's name? A Jennie.
Q Jennie what? A Jennie Mackey, sometimes they called her; and sometimes they called her Jennie Raincrow.
Q You were a slave before the war? A Yes sir, I was a slave.
Q Who was your master? A Well, my young mistress didn't have no husband then.
Q Is it Arlie Cochran? A That was her mother.
Q You belonged to her daughter? A I belonged to her daughter, that is the way it is people.
Q Were they Cherokees? A Cherokees. Full blood Cherokees for truth.
Q Citizens of the Cherokee Nation? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A I was made to go.
Q Where did you go? A Fort Scott, Kansas.
Q You weren't very old then? A No sir.
Q Did you go with your mother? A No sir.
Q Who took you out there? A I don't know who it was. I was in the Cherokee Nation.
Q You weren't very big then you were [illegible]
A Oh, I was a good big girl.
Q You remember it? A Yes sir, I remember it.
girl, would look out here.
Q Who did you live with in Kansas?
I couldn't tell you.
Q Where did you [illegible]
go. I was told that you
the country.
Q Who came [illegible]
Yes, some [illegible]

Q What was his name? A Nelson Crabb, they called him.
Q They were all Indians, were they? A Well, they was mixed. We didn't pay much attention. We was glad to go home.
Q Any colored people among them? A Not that I know of.
Q Were did you come to? A Grand River.
Q Who was with you? A Joe Born come and got us to the station.
Q Who was Joe Brown? A He was a Cherokee.
Q You came from Fort Scott to Grand River? A From the station to Grand River, Gibson Station.
Q What did you do when you were over to Grand River, did you stay there? A On Fourteen Mile Creek, the other side of Grand river. Aunt Darcus Buffington was living there. Mr. Hastings knows.
Q Who stayed with you? A My husband.
Q That was Rogers? A Yes sir.
Q What was his first name? A Tosh Rogers.
Q Did you get married up in Kansas? A We got married up in Kansas
Q Did he come with you? A No sir, he didn't come at the time I come. He stayed there.
Q Who married you up in Kansas, a preacher? A A preacher.
Q He stayed there? A Yes, he stayedthere. Lord knows, I can't tell when he come.
Q How long after you come did he come? A I can't tell you. I can't read.
Q Who were you staying with on Grand river? A I was staying with Aunt Darcus Buffington.
Q Were you working for her? A No.
Q After that yourahusband came to you then you and your husband lived together? A Yes sir.
Q Did you stay in the Cherokee Nation? A I worked about. I worked for my children. Stayed about and then go back.
Q To Kansas? A No, to Fourteen mile creek.
Q Never worked out of the Nation? A No, just around in the Nation.
Q You had some children by Rogers? A Yes sir. I am the mother of 10 children, all dead but three.
Q Ten children by Rogers? A Ten children by Rogers.
Q Tosh Rogers is dead? A He is dead.
Q Then you marr ed this man Robbins? A Yes sir.
Q You Had no children by Robbins? A No sir, that is right.
Q You are still living with Robbins? A Yes sir.
Q What was your husband doing up in Kansas after you left, do you know? A I don't know what he was doing up there.
Q How long had you been married to him before you came down to the Nation? A I don't know that, neither. I don't know how many years.
Q Several years? A May be so. I don't know.
Q Do you know how long you stayed in Kansas when you went up there during the war? A No sir, I don't.
Q How long after you went up there before you married Tosh Rogers, pretty soon, wasn't it? A I guess so. Pretty near, I guess. I just couldn't tell you.
Q You came to the Cherokee nation, Grand river, and lived there two or three years, then your husband came? A I guess it was two or three years . I just couldn't tell you.
Q You applied for a grand daughter by the name of Dollie Rogers? A Yes sir, she is my grand daughter. She is married and God only knows where she is.
Q How old is she? A I don't know.
Q What was her mother's name? A She is dead.
Q What was her name? A Nannie Rogers was her name.
Q Was she a Cherokee Freedman? A Yes sir.
Q She was your daughter? A Yes.
Q Where was she born? A She was born on the Cherokee Nation.
Q Is she your oldest daughter? A Yes sir, she is my oldest daughter. She died. I raised that child.
Q You raised Dollie? A I raised Dollie from a little bit of a baby.
Q You don't know where Dollie is? A Lord, no; I don't know where she is. She run off.

Q You applied for her enrollment two years ago? A Yes sir.
Q She was living with you then? A Yes sir.
Q She has married and gone now? A She has married and gone now.
Q What is her husband's name? A Jones.
Q Will Jones? A Will Jones.
Q They have a baby by the name of Sherman Jones? A That is it.
Q They took the baby with them? A Yes sir, they took it.
Q How old is Dollie? A I don't know. She is young. I don't know howold she is. She is awful young. Yes, she went off from me before I knowed it. I didn't know nothing about it.
Q Your mother's name was Jennie Raincrow? A Yes sir.

Examination by Mr. Hastings.
Q Auntie, who did you say took you from Gibson Station when you came back after the war? A Joe Brown.
Q That was when you first came back after the war? A Yes sir.
Q You only knowwhat they told you about the year?
A Yes sir, they told me.
Q Do you know what year this is, Auntie? A No sir, I don't know what year this is.
Q Do you know any year? A Well, I know March and August.
Q You don't know one year from another? A Yes, when they tells me I knows.
Q Did they take you from Gibson Station in a wagon? A I believe he did.
Q Two horses and a wagon? A A horse and wagon.
Q Did you come on the train? A I don't think there was any train. There was no train there.
Q How did you get off at Gibson Station? A We stopped there.
Q There was a town? A It was a little bit of a town.
Q You saw the town? A Yes sir, a little bit of a one. Just one or two houses, looked like at that time. It was been so long.
Q Did You and Tosh marry up there after the close of the war?
A Yes sir.
Q What was the oldest child you ever had, Auntie? A I don't know. They are all dead. Jennie was the oldest.
Q The oldest child you had by Tosh? A Johnie. He is dead.
Q Where did he die? A He died in Kansas.
Q How old was he when he died? A I couldn't tell you.
Q Two or three years old? Was he younger or older than that?
A I just couldn't tell you . He was little.
Q Was he old enough to walk? A Oh, no.
Q Was he a year old? A I guess so. I couldn't tell you. I couldn't tell you how old he was.
Q Did he die before you left Kansas? A Yes sir. Let me tell you. It was in war time.
Q What was the next child you had, Auntie? A Let me see. Johnie and Tom.
Q Where was her born, there? A He was just a little bit of a baby
Q How long did Tom live? A He might have lived a month, may be. He was a sickly child.
Q Did he die in Kansas? A Yes sir.
Q What was the next one? A Then one named Tee.
Q How old was Tee when she died? A She was just born.
Q Was she born up in Kansas? A Yes sir.
Q Now what was your next child? A Well, I think that was all that died there.
Q Was your next one born up there? A They was all born there, I think.
Q Do you know what the next child's name was? A They was all born here and died here.
Q Do you know the next child's name? A I couldn't tell you. It has been so long.

Q You didn't go with Tosh to Kansas? A Wewas married there. You know we were slaves.
Q You were married in Kansas? A Yes sir.
Q All these three children were born in Kansas? A No sir, born here.
Q I mean--- A Oh, them dead ones. Yes sir.
Q Near what town in Kansas were they born? A I don't know. It has been so long it is out of my recollection.
Q Did you everhear of any town up there? A Well, I just couldn't tell you; it has been so long, Mr. Hastings, I just plum forgot.
Q Afteryou came here you went back to see your husband?
A No sir, I never went back to see my husband. I went out here to see my sister.
Q What was her name? A Rachel.
Q Rachel what? A She was my sister, we both belonged to one person.
Q I want to know her name? A Rachel Cochran, I reckon. it could be
Q What was her husband's name? A They just called her Rachel Humes She had a man by the name of Daniel Humes .
Q You stayed on Darcus Buffington's place? A Close there, I was.
Q With whom did you stay? A We lived right there on Houston Benge's place, the other side of Aunt Darcus. I stayed with Aunt Darcus a while.
Q Who stayed with you? A My mother, Jennie Mackey. Some called her Jennie Raincrow.
Q Who did you come from Kansas down here with? A I couldn't tell you now. I couldn't tell you.
Q Did you come on the train part of the way? A Just in the wagon, just camping out, so far as my recollection.
Q Did you come by the way of Gibson? A Yes, it was that way.
Q What other town? Did you come through Vinita here?
A Why, I couldn't tell you, Mr. Hastings. I has been so long.
Q Who drove the wagon? A I don't know who drove the wagon, just one and the other.
Q Do you know any man's name along with you? A Nelson Grabb. I can't tell you. He is dead a long time.
Q Was he a colored man? A He was an Indian, a Cherokee Indian.
Q Was there any other colored people along? A I never paid any attention to it. I was pretty sick on the way anyway.
Q You don't remember how many years after the war that was, do you, Auntie? A I don't know.
Q About how many years after the war, to the best of your recollection? A I couldn't tell you. I just don't know.
Q Don't you have any idea at all? A No sir.
Q Was your husband Tosh in the army? A No sir.
Q You heard them talking about when the war closed?
A Oh, I guess so.
Q How many years after that did you come down here? A I don't know. Just in the year '66. I was told that. You see we can't read; we don't know, only when they tell us.
Q You don't know when the Kerns Clifton roll was made? A Yes sir.
Q What year was that? A I don't know, but I was there.
Q You don't know when Mr. Wallace made his roll? A Yes sir.
Q What year was that? A I don't know but I was there. You ought to have mercy on us poor colored people. You know Mr. Hastings, we are poor creatures. We don't know nothing. Wehave been knocked about and cuffed about so much, it seems to me you ought to have mercy on us.
Q I want to know how long it was before you came back after the war, that is all, Auntie? A I just couldn't tell you.
Q Well, what were you doing up there after the war?
A I just couldn't tell you.
Q Is your husband living out at Bristow now? A Yes sir.

Examination by the Commission.

Q You and your husband Tosh lived together in the Cherokee Nation before you went to Kansas? A Yes sir.
Q Belonged to the same owners? A Yes sir.
Q He was a slave? A Yes sir.
Q Who was his owner? A Old Isaac Rogers.
Q When were you told that you come back in '66?
A I couldn't tell you. I don't know.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr.

Subscribed and sworn to before me this 7th day of March, 1903.

Samuel Foreman,

(Seal) Notary Public.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing and that same is a true and complete copy of the original transcript in this case.

Wm. Hutchinson

Subscribed and sworn to before me this 17th day of March, 1903.

Edward Merrick
Notary Public.

COPY

Fr-389.

MARRIAGE LICENSE.

United States of America,)
Indian Territory,)
Northern District.)ss.
)

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Will Jones , of Bristow, In the Indian Territory, aged 25 years, and Miss Dolly Atkins, of Bristow, in the Indian Territory, aged 18 years, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Muskogee, Indian Territory, this 16 day of January, A. D. 1902.

Chas. A. Davidson,
Clerk of the U. S. Court.

(Seal)
By P. M. Ford, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, T. E. Allen, a Minister of the Gospel, do hereby certify, that on the 19 day of Jan. A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 19 day of Jan., A. D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 82.

T. E. Allen,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Charles A. Davidson, clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of Feby., 1902, and duly recorded in Book M, Marriage Record, Page 45.

Witness my hand and seal of said Court at Muskogee, In said Territory, this 18 day of Feby., A. D. 1902.

(Seal) Chas. A. Davidson, Clerk.

C O P Y

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., September 9,1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Philip G. Reuter
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 9th day of September , 1902.

B. C. Jones
Notary Public.

SEAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 12, 1901.

In the matter of the application of Lillie Lowe for the enrollment of herself and two children as Cherokee Freedmen.

Lillie Lowe, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lillie Lowe,
Q How old are you? A 26.
Q What is your post office address? A Bristow.
Q What district do you live in? A My district is Tahlequah, in the Cherokee Nation.
Q You have to go a long way for your mail matter? A My husband's post office is Bristow and I am living with my husband.
Q In the Creek Nation? A Yes, sir.
Q You don't live in Tahlequah at all? A No, sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q A Freedman? A Yes, sir.
Q Is your name on the rolls? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know whether it is or not on the 1880 roll.
Q Who do you want to enroll besides yourself? A Two children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Lowe.
Q Is he a citizen? A He is a Creek citizen.
Q What is your father's name? A Tossie Rogers.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Mary Rogers.
Q Her name now is Robbins? A Her name is Robbins now, but she enrolled Rogers.
Q What are the names of your children? A Ransome.
Q How old is he? A 2 years and 7 months.
Q The name of the next child? A Evelina.
Q How old is it? A She is 10 months.
Q How long have you lived in the Creek Nation? A I don't know, but since I have been married I lived there three years.
Q You are married and live with your husband over in the Creek Nation? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton pay-roll examined, and the applicant identified thereon, page 135, No. 3310, Tahlequah district, as Lillie Rogers.

Q Mary Robbins who was Mary Rogers is your mother? A Yes, sir.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Have you always lived there except what time you lived in the Creek Nation? A Yes, sir.
Q These two children are living, are they? A Yes, sir.

Commissioner Needles: The name of Lillie Lowe is not found upon the authenticated roll of 1880, or the census roll of 1896, but is found on the Kerns-Clifton pay-roll [illegible] that she is the child of Mary Rogers, who is now Mary Robbins, and who has been enrolled. She swore that she has two children, Ransome Lowe and Lillie Lowe, by her present husband, Will Lowe, who is a Creek citizen. As to her citizenship, reference is made to the testimony of her mother in her own case, Mary Robbins, Cherokee Freedman card No. [illegible]. She is identified and makes satisfactory proof of residence. Lillie Lowe and the children, Ransome and Evelina, will be entered for enrollment as Cherokee Freedmen. It will be [illegible]

L.L.- %

her to file with this Commission satisfactory proof of birth of her children.

Now comes the Cherokee Nation, by its attorney, and protests against the enrollment of the said Lillie Love, from the fact that neither she nor her mother are upon the authenticated roll of 1880, and upon the further ground that she shows to have resided with her husband in the Creek Nation for more than three years last past, and that her husband is a citizen of the Creek Nation.

****

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 13th of April, 1901.

M. L. Green

Malcolm Patterson

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 25 1903

4AD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 2nd, 1903.

In the matter of the application of Lillie Lowe for the enrollment of herself and children, Ransom, Evalina and Bertha Lowe, as Cherokee Freedmen. Cherokee F/398.

Lillie Lowe, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Lillie Lowe.
Q. How old are you? A. I am very near 27 years old.
Q. What is your post office? A. Bristow at present.
Q. What is your mother's name? A. Her name is Rogers--Robbins.
Q. Mary Robbins now? A. Yes, sir.
Q. Is that your brother who just left the stand?
A. Yes, sir.
Q. Your father's name was Tosh Rogers. A. Yes, sir.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. Have you always lived in the Cherokee Nation? A. Well, I did live there always until here lately.
Q. Where are you living? A. I live close to Tulsa.
Q. In the Creek Nation? A. Yes, sir.
Q. You have always lived in the Territory? A. Yes, sir; always lived in the Territory.
Q. Are you claiming your rights through your mother or father? A. I don't know which. They was both freedmans.
Q. Do you remember your father, Tosh Rogers? A. Yes, I remember him.
Q. When did he die? A. I couldn't tell you what year he died in. It has been a good while since he has been dead.
Q. Do you know when your father, Tosh Rogersm came back from Kansas? A. No, sir; I don't. I couldn't tell about that.
Q. You lived with your mother until you got married?
A. I lived with my grandmother most of the time.
Q. What was her name? A. Her name was Jennie.
Q. Jennie Rainerew? A. Yes, sir.
Q. What is your husband's name? A. Will Lowe.
Q. Is he a Freedman? A. No, sir; he is Creek.
Q. Creek Indian or Creek Freedman? A. Creek Indian.
Q. When were you married. A. We were married in '97, I think.
Q. Your husband's name, you say, is Will Lowe?
A. Yes, sir.
Q. You say he is a Creek Indian? A. Yes, sir.
Q. Do you know whether he has been enrolled as a Creek Indian?
A. Yes, sir.
Q. He has been enrolled? A. Yes, sir.
Q. Has he taken his allotment there? A. I guess he has. I don't know whether he has.
Q. How many children have you? A. Three.
Q. Is Will Lowe the father of all of them? A. Yes, sir.

Q. What are their names? A. Ransom, Evaline and Bertha.
Q. You and your husband have been living together since you were married? A. Yes, sir; we have until now. We separated.
Q. Do you know whether your husband made application for your three children to be enrolled as Creeks? A. No, sir; he never has.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr.

Subscribed and sworn to before me this 21. day of April, 1903.

Samuel D. Foreman,
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 13 1907

Assistant Chief Clerk.

Department of the Interior,
Commission to the Five Civilised Tribes,
Fort Gibson, I.T., April 18, 1901.

In the matter of the application of Albert Rogers for enrollment as a Cherokee Freedman.

Albert Rogers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Albert Rogers.
Q What is your post office address? A Bristow.
Q Over in the Creek Nation? A Yes, sir.
Q What district do you live in? A I live in the Cherokee Nation.
Q Did you ever apply to be enrolled as a freedman of any other nation or tribe? A No, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q You never applied to be enrolled as a freedman of any other tribe? A I don't know, sir.
Q Don't you know whether you ever applied to be enrolled with the Creeks or Chickasaws or Choctaws? A No, sir.
Q How old are you? A 23 years old.
Q Have you been recognized by the Cherokee authorities here as a Freedman? A Yes, sir.
Q Is your name on the rolls of the Cherokee Nation? A Yes, sir.
Q What is your father's name? A Tossie Rogers.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Mary Rogers.
Q Is she living? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q You are not married? A No, sir, I am not married.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Your name isn't found on the roll of 1880; did you draw strip money? A Yes, sir.

Kerns-Clifton pay-roll examined, and applicant identified thereon, page 1338, No. 8309, Albert Rogers, Tahlequah dist.

Q Where were you born? A I don't know, sir, where I was born.
Q Where have you lived all your life? A I have lived in the Cherokee Nation.
Q You never lived over in the Creek Nation? A No, sir, I havt just been going backwards and forwards.
Q You have never married? A No, sir.
Q You make your home with your mother? A Yes, sir, while I am going backwards and forwards.

Commissioner Needles: The name of Albert Rogers is found upon the Kerns-Clifton pay-roll, but is not found upon the roll of 1880 or the census roll of 1896. He avers that he is the son of Mary Rogers, now Robbins, who is enrolled on straight Cherokee Freedman card No. 389. He is duly identified and makes satisfactory proof of residence, and will be listed for enrollment as a Cherokee Freedman.

Now comes the Cherokee representatives and protest against his enrollment, from the fact that his name is not found upon the authenticated roll of 1880, and reference is made herein to the testimony taken in the case of Mary Robbins, on card No. 389.

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Frank A. Jones, being duly sworn, says that he transcribed in addition to the five dictated tapes he corrected, corrected punctuation and typewriting in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Frank A. Jones

Sworn to and subscribed before me this the 14th of April, 1961.

Notary Public

Commissioner

Q. Your name is Albert Roberts.
Q. And you are John Albert Roberts, sir.
A. Yes, sir.
Q. About 25? 30 years old?
A. I don't know, sir.
Q. Where is your father's home?
A. Yes, sir.
Q. Are you married?
A. No, sir.
Q. Where is your father's home?
A. John Rogers.
Q. Now Mary Robbins?
A. Mary Rogers.
Q. Is she your mother's sister?
A. Yes, sir.
Q. Now is your mother's sister in Boston?
A. Yes, sir.
Q. Where is your father's home?
A. John Rogers.
Q. Are you married?
A. No

AAP.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 2nd, 1905.

In the matter of the application of Albert Rogers for the enrollment of himself as a Cherokee Freedman. } Cherokee F-397.

Albert Rogers, being duly sworn, testified as follows:

Examination by the Commission.

Q. Your name is Albert Rogers? A. Albert Rogers.
Q. How old are you? A. I don't know, sir, how old I am.
Q. About 25? Do you think that is about right? A. Yes, I guess so.
Q. What is your post office address, Bristow? A. Yes, sir.
Q. Are you living with your step father Robbins?
A. No, sir.
Q. What is your father's name? A. Tosh Rogers.
Q. What is your mother's name? A. Mary Rogers.
Q. Now Mary Robbins? A. Yes, sir.
Q. That is your mother that was in here a while ago?
A. Yes, sir.
Q. You are claiming your rights of citizenship through your mother Mary, are you? A. Yes, sir.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. Where were you born? A. I don't know, sir; where I was born, I was small you see.
Q. You were small then? A. Yes, sir.
Q. Born on Grand river, were you; do you know? A. No, sir; I don't know.
Q. Where were you living the very first you can remember?
A. Fort Gibson.
Q. You aren't living with your mother, are you?
A. Yes, sir.
Q. Have you lived in the Cherokee Nation all your life?
A. Yes, sir.
Q. Are you married? A. No, sir.
Q. You don't remember when your father died? A. No, sir.
Q. Has your mother always lived here as long as you can remember? A. No, sir.
Q. Where has she been living? A. She has been living to Fort Gibson.
Q. Ever since you can remember? A. Yes, sir; ever since I been remembering.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of March, 1905.

20 I 389.

IN RE
Application for Enrollment of
INFANT CHILD
Sherman Jones
as a citizen of
Cherokee
Nation

Approved Aug 25 1902
Signed Tams Bixby
Commissioner.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
Aug 30. 1902
Commissioner
Acting Secretary

Copy

DEPARTMENT OF THE INTERIOR.

CONFESSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the Cherokee Nation,
of Thurman Jones, born on the 12 day of December, 1901
Name of Father: Wm Jones, a citizen of the U S
Name of Mother: Dollie Jones, a citizen of the Cherokee
Post-office: Tristow I T.

AFFIDAVIT OF PARENT.

UNITED STATES OF AMERICA, Indian Territory, Western District.

I, Dollie Jones, on oath state that I am 16 years of age and a citizen by Adoption of the Cherokee Nation; that I am the lawful wife of Wm Jones, who is a citizen, by ___ of the U S, born on the Mob; that a child was born to me on the 12 day of December, 1901; that said child has been named Thurman Jones, and is now living.

Witness my hand.

Dollie Jones

(Here to be signed in the presence of the officer.)

Subscribed and sworn to before me this 27 day of August, 1902.

Bruce C Jones
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory, Western District.

I, Mary Robbins, Midwife, on oath state that I attended on the Dollie Jones, wife of Wm Jones, on the 12 day of December, 1901; that there was born to her on said day a child, which is living and has been named Thurman Jones.

Mary E Robbins

(Here to be signed in the presence of the officer.)

Witnesses { Lillie Lowe / John Thaxton }

Subscribed and sworn to before me this 27 day of August, 1902.

Bruce C Jones
Notary Public.

99

IN RE

Application for Enrollment of

INFANT CHILD

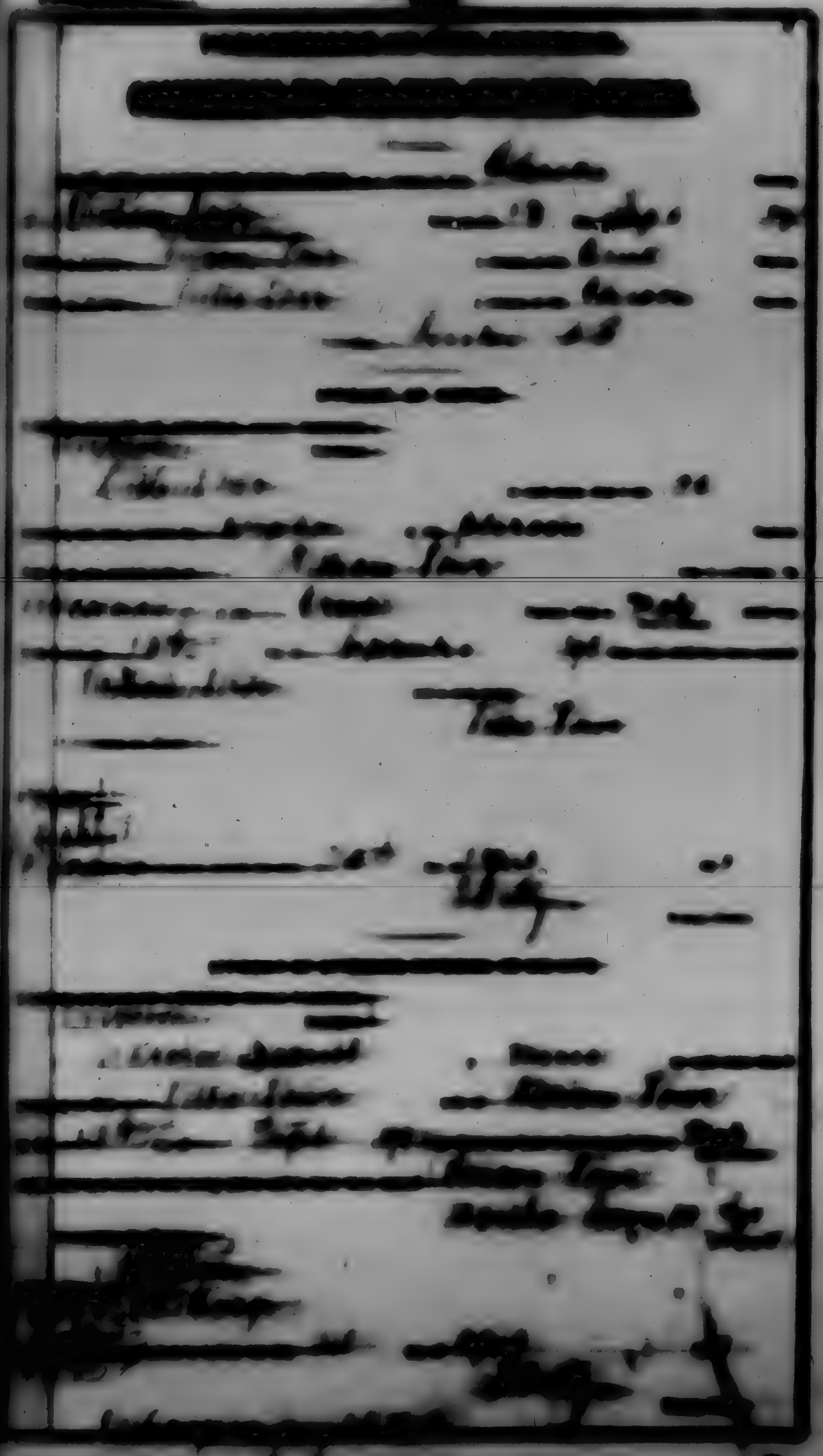
as a citizen of

Nation.

Approved

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED



Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee

Arthur Lowe 29 1907

Wm Lowe Creek

Lillie Lowe Cherokee

Preston

Western

Lillie Lowe 27

Adoption Cherokee

Wm Lowe

Adoption Creek

29 March

Beulah Lowe

Lillie Lowe

27 August 2.

Chas G Jones

Western

Mary Robbins Midwife

Lillie Lowe Wm Lowe

29 March 1907 female

Beulah Lowe

Mary M Robbins

Dolly Jones

27 August

Chas G Jones

No. 398

IN RE
Application for Enrollment of
INFANT CHILD
Evalina Lowe
as a citizen of
Cherokee Nation

Approved April 29 1901
Signed T B Needles
Commissioner.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
April 29. 1901.

Commissioner
acting Chairman

BIRTH AFFIDAVIT.

Copy

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Evalina Lowe, born on the 5 day of June, 1900
(Here insert name of child.)
Name of Father: William Lowe a citizen of the Creek Nation.
Name of Mother: Lillie Lowe a citizen of the Cherokee Nation.
Postoffice Bristow I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Lillie Lowe, on oath state that I am 26 years of age and a citizen by Adoption, of the Cherokee Nation; that I am the lawful wife of William Lowe, who is a citizen, by Adoption, of the Creek Nation; that a Female (Male or Female.) child was born to me on 5th day of June, 1900; that said child has been named Evalina Lowe, and is now living.

Lillie Lowe

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th day of April, 1901.

J H Flynn
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Mary Robins, a Nurse, on oath state that I attended on Mrs. Lillie Lowe, wife of William Lowe on the 5 day of June, 1900 that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Evalina Lowe

Mary Robins her mark

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 day of April, 1901.

J H Flynn
Notary Public.

Com. expires Jany 25. 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Mary Robbins, et al.,....Cherokee Freedmen #389
Albert Rogers,..... " " #397
Lillie Lowe, et al.,..... " " #398

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Mary Robbins for herself and her minor grandchildren, Dollie Rogers and Sherman Jones; by Albert Rogers for himself; and by Lillie Lowe for herself and her two children, Ransom and Evaline Lowe; and subsequent to the date of the last mentioned application an affidavit was filed with the Commission showing the birth of another child, Bertha Lowe, on March 29, 1902, and the same is made a part of the record herein.

The evidence shows that the principal applicant, Mary Robbins (formerly Rogers), was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion, but returned to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

It further appears that the minor applicants, Dollie Rogers and Sherman Jones are the children of Minnie Rogers, deceased, who was a daughter of Mary Robbins, born since 1866; and that the applicants, Albert Rogers and Lillie Lowe, together with her minor children, are the descendants of said Mary Robbins and were all born since 1866.

The evidence further shows that the said Mary Robbins has resided in the Cherokee Nation continuously since her return thereto in 1866; and that the other adult applicants herein have resided in said Nation all their lives. The residence of said minor applicants is considered to have been in the Cherokee Nation since their birth.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Mary Robbins, et al.,....Cherokee Freedmen #389
Albert Rogers,..... " " #397
Lillie Lowe, et al.,..... " " #398

D E C I S I O N

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The evidence further shows that the said Mary Robbins has resided in the Cherokee Nation continuously since her return thereto in 1866; and that the other adult applicants herein have resided in said Nation all their lives. The residence of said minor applicants is considered to have been in the Cherokee Nation since their birth.

It is, therefore, the opinion of this Commission that Mary Robbins, Dallis Rogers, Sherman Jones, Albert Rogers, Lillie Love, Ransom Love, Evaline Love and Bertha Love should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1906 (34 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILISED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 12, 1901

In the matter of the application of James Rogers for enrollment as a Cherokee Freedman.

James Rogers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. James Rogers.
Q How old are you? A I am 34 years old.
Q What is your post office address? A. Bristow.
Q Where do you reside? A I live in the Creek Nation.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes, sir.
Q Is your name on the roll of 1880? A. No, sir.
Q Nor on the roll of 1896? A. Yes, sir.
Q Who do you want to enroll besides yourself? A. Just myself.
Q What was your father's name? A. Toss Rogers.
Q What is your mother's name? A. She used to go by the name of Mary Rohers, but she is Mary Robbins now.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant identified thereon.

Q Did you draw strip money? A. They called me Jim Rogers and my name is James Rogers.
Q Did you draw your money with your sisters and brothers? A. Yes, sir.

The Kerns-Clifton pay-roll examined, and the applicant identified thereon, page 185, No. 4550, Tahlequah district, as Jim Rogers.

Q Where were you born? A. I don't know exactly where I was born.
Q. Do you know whether you were born in the Cherokee Nation or not? A Yes, sir, but what place I don't know.
Q Where have you lived all your live? A. I have lived over here up on Grand River before I went to the Creek Nation.
Q You lived in the Cherokee Nation until you went to the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A. About 12 years.
Q What are you doing in the Creek Nation? A. Working around.
Q Are you married? A. Yes sir.
Q. What is your wife's name? A. Eliza Rogers.
Q Is she a Creek citizen? A. Yes sir
Q. You are living there with her? A. Yes, sir.
Q Have you ever applied to the Creek authorities to be enrolled as a Creek citizen? A. No, sir;
Q Have you got any children? A. No, sir.
Q Your wife got any? A. Yes, sir, but they died.

Commissioner Needles: The name of James Rogers is not found upon the authenticated roll of 1880, or the census roll of 1896. It is found on the Kerns-Clifton roll. He avers that he is the child of Tossie Rogers and Mary Rogers, now Mary Robbins, who is enrolled on Cherokee Freedman card No. 389. Reference is made to the testimony of said Mary Robbins before the Commission, given this day. He is duly identified, but avers that he has been a resident of the Creek Nation about 12 years. By reason of that fact and the protest of the Cherokee Nation against his enrollment, his name will be placed upon a doubtful card. Final judgment as to his enrollment will be suspended.

.....

J.R.-2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Bruce C. Jones

Sworn to and subscribed before me this the 13th of April, 1901.

(Signed) M. D. Green

SEAL Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Mattie M. Pace

Subscribed and sworn to before me this the 25th of October 1906.

B. P. Rasmus
Notary Public.

J.R.-2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Bruce C. Jones

Sworn to and subscribed before me this the 13th of April, 1901.

(Signed) M. D. Green

SEAL Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Subscribed and sworn to before me this the 25th of October 1906.

Notary Public.

SUPPLEMENTAL: File with C.F. D-60,

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 5, 1901.

In the matter of the enrollment of James Rogers as a Cherokee Freedman;
ARCH COCKRUM, being sworn by Commissioner Needles, testified as follows:
Appearances:
J. F. Faulds, for the applicant, as attorney.
L. B. Bell, for the Cherokee Nation.

Com'r Needles: Witnesses sworn and placed under the rule.
TESTIMONY ON PART OF CHEROKEE NATION.
Simon R. Walkingstick, Interpreter.

BY MR. BELL:
Q What is his name? A Arch Cockrum.
Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Wagoner, I. T.
Q Age? A Something over eighty years old.
Q Well tell him we have got the case up here of James Rogers, and I want to make some inquiry of him about him, a colored man?
A Well he asks the question: The one we was talking about?
Q Yes. I want to ask him if he is acquainted with Arley Cockrum?
A Yes sir.
Q Where did she live in her life time? A Just across from Joe French's ferry on Grand River.
Q Did she have a daughter named Nancy? A Yes sir.
Q Now known as Nancy Riddle, or Nancy Benge? A Yes sir.
Q Did this Arley Cockrum or Nancy Benge own a colored woman by the name of Mary? A Yes sir, Ollie owned a colored woman named Mary.
Q Was he acquainted with this woman? A Yes sir, I knew her from when she was so high . (indicating)
Q Did she leave the Cherokee Nation during the war that he knows of? A Yes sir.
Q Did he know about what time she returned to the Cherokee Nation after the war was over? A I couldn't state just exactly the time, but it was something after the expiration of the time in which the Freedmen were to return.
Q I will ask him if he lived in the neighborhood of where Arley and Nancy Benge lived or Nancy Riddle, at tye close of the war? A Yes sir, I lived near them.
Q Well now what years did he live there, that is, where was he the first year after the war closed, that is 1866? A Well just directly after the close of the war I moved up north of the Canadian river and stayed there one summer, and then after I left the Canadian River I moved up here-don't state where,-just above here and stayed there a year and the next year he moved up near where these parties lived, and I had been there about two years when she came there.
Q When she came there,-get that a little more definite? A That colored woman.
Q He said he stayed that summer below here, was that the same summer the war closed, in Canadian? A Yes sir, thatwas the same summer.
Q Then the next summer he farmed above here a few miles? A In the fall I left Canadian down there and moved to my place up here.
Q Well there's where he stayed and made a crop? A I made one crop there and then sold the place and moved to near where I had formerly lived, near my father's.
Q That was in the neighborhood of Arley andhow far from there?
A I don't hardly think it was a quarter of a mile.
Q Howlong after he moved up there did he say he thinks it was before they came? A It must have been about 2 years, after I had been there.
Q Well did this Mary, this colored woman, have a husband?

A Yes sir.
Q What was his name? A Tosh was his name.
Q Tosh Rogers? A Yes sir.
Q Did he have any children? A Yes sir they had children.
Q They have a boy? A Yes sir, the oldest one was a boy
Q What was his name? A James.
BY 'R. FAULDS:
Q Immediately after the war closed you moved away from the place where Nancy Benge or Nancy Riddle was living? A No sir, he didn't state anything definitely; he just says he lived up here.
Q He said he moved a way some place, how far did you go away from where this Nancy Benge lived, you said you moved on the Canadian didn't you, north of the Canadian? A Well I moved just about three miles north of this place north of Fort Gibson after living on Canadian River.
Q Well when did he go to the Canadian River? A I had come from Red River just directly after the close of the war and was on my way home.
Q I don't think he understands my question; I want to know if he was living in the neighborhood of this Nancy Benge of Nancy Riddle whatever her name is, right after the close of the war, for a year or so afterwards; if he wasn't living there where was he living? A I was south when the war closed.
Q When did he come back here? A As I stated, when I left south I came to the Canadian River and stayed there one summer, immediately after the war.
Q Would that be the summer of '65? A Perhaps so, I don't know.
Q Now where was he the next summer after that; that is, the year after the war was over? A At the place I stated, three miles north of Fort Gibson.
Q How far is that from where Nancy Benge was living at that time? A About three miles.
Q Now how long did you stay there at this place three miles north of Fort Gibson? A Just one year .
Q Then where did you go? A I moved to hear where Nancy Benge lived
Q That would be about three years after the war? A Yes sir.
Q Now do you know where Mary Rogers went when the war broke out? A She went north.
Q To Fort Scott, Kansas? A I suppose so.
Q Now, ask him if he is prepared to dispute the word of Nancy Benge when she swears that this Mary Rogers came back in 1866, and was there from time to time? A Yes sir, I am prepared to say that; I know what I am talking about.
Q Are you prepared to swear that Mary Benge could not have come to this Cherokee Nation unless you saw her and knew her at the time she came ? A Well, when she first came I was on the river and I saw her come across the stream.
Q But do you pretend to swear that she wasn't in this country before that, couldn't she have come here to this country when you were down on the Canadian River, come here and stayed a while and gone back again, as Nancy Benge says? A I don't know whether she had been here before that time or not; if she had been I couldn't state whether she had or not.
Q All you can state is the first time you saw her in the Cherokee Nation is when you were living up there by Nancy Benge two or three or four years after the war? A Yes .
Q She might have been here several times before that without your seeing her? A Yes sir, that's true.

GEE DICK, being sworn by Commissioner Needles, testified as follows:
BY MR. BELL: (Simon R. Walkingstick, interpreter)
Q Ask him his name? A Gee Dick.
Q How old is he? A Well I was two or three years old when the Cherokees came here in 1838.

James Rogers 3 sup'l

Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Melvin.
Q Was he in the country in 1866, the year after the war closed? A Yes sir.
Q Was he acquainted with Arley Cockrum? A Yes sir, I knew her.
Q Did she have a daughter named Nancy, somtimes known now as Nancy Riddle or Nancy Benge? A Yes sir.
Q Did he live anyways near them before the war? A No sir, I didn't live near them until after the war.
Q Well how near them did he live in 1866? A Just about a mile.
Q He don't know then whether they had a colored woman by the name of Mary? A Yes, I used to go through the country there quite often, and I knew they owned a colored woman named Mary.
Q Has he seen this colored woman since the war? A Yes sir, I saw her sometime afterwards.
Q Well when was the first timr when he saw her there after the war at this Nancy or Arley's house? A Why it was something after the year 1870.
Q Where did he see her at? A I saw he r at her house.
Q At thewoman's own house? A Yes sir, she was living with a man named Tosh Rogers.
Q How far is that from Nancy or Arley Cockrum? A They lived just about a quarter of a mile or it might have been as far as a half a mile.
~~Q Was it on the same place, or did she have a little place of~~
their own? A They were living in a rented house.
Q Now how long had he been living there in a mile of Arley Cockrum's when he first saw this Tosh Rogers and his wife, or this Mary Rogers and her husband come there? A I had been there about 5 years.
After I was mustered out at this place I went direct from here there in that neighborhood.
Q During all that time he never saw nothing of these folks until 1870? A

MR. FAULDS: That is a leading question.

A Yes sir, that's the first time I saw them.
Q Was he intimately acquainted with these folks, this Arley Cockrum, and about their house much, neighbors? A Yes sir, I would often go there and became quite well acquainted with them.
Q Does he know whether this Nancy went up North or not, this girl, daughter of Arley? A She remained in the country.

BY MR. FAULDS:

Q All you know is that the first time you saw this Mary Rogers after the war was at this Nancy Benge? A As I stated, that was about the first time I saw her, and was along about the year 1870, or thereabouts.
Q You can't dispute the word of Nancy Benge when she swears she saw her in 1866 or before that? A I am not prepared to dispute the statement of Nancy Benge, but she wasn't in the country in the year 1866, this Mary wasn't in the country in the year 1866.
Q Couldn't she have been here without your seeing her; did you keep track of all the colored people here at that time? A No sir, I think not, because when she came to the country she came direct to that place, they said she had just come in.
Q She could have come in this country in 1866 and have gone backwards and forwards ever since, couldn't she, without your having seenher at all up until the time you speak of? A I don't think she could have come without me seeing her.
Q Well suppose she came to Webbers Falls, would you have been sure to have seen her? A There would be no reason for her to come way down there, she was in Fort Scott, Kansas.
Q Tell him to answer my question; were you looking for her from the close of the war right on up until you found her? A No sir, I was not looking for her at all; I would hear of her though.

Q When did you first know her? A Well it was along after 1870 that I became acquainted with her.
Q Never saw her until 1870? A Nosir.
Q Didn't know anything about her? A I had only heard that they owned a slave by that name.
Q Now you want to swear that she couldn't have been in any spot or hole or corner in this Cherokee Nation throughout the whole length and breadth of it unless you had been right there and put your eyes right on her? A No, I couldn't have seen her if she had come to some other part of the Cherokee Nation than up there, I couldn't have seen her because I can't see very far.
Q Is your eye sight poor? A (Not interpreted by interpreter.)

---..---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn tonbefore me this September 20th, 1901.

(Signed) C. R. Breckinridge.

Commissioner.

(This test in Ch.by bld b'k #61-stenog.)

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, kexx she made the above and foregoing copy and that the same is a full, true, and correct copy of the original testimony now on file in this office.

Mattie M. Pace.

ubscribed and sworn to before me this October 26, 1906.

John E. Tidwell
Notary Public.

B C.F.D.#60.

DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I. T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JAMES ROGERS as Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
W. W. Hastings, of Counsel for Cherokee Nation.
J. F. Faulds, Attorney for applicant.

COLUMBUS BALDRIDGE, being duly sworn, testified as follows: Examination conducted through Interpreter Simon R. Walkingstick.
Mr. HastingsWhat is your name? A Columbus Baldridge.
Q What is your age? A 59.
Q Where do you live? A I live in Tahlequah district/
Q Are you a full blood Cherokee Nation? A Yes, sir.
Q What part of Tahlequah district do you live in? A It is near the Grand river between that and where the Fourteen Mile Creek emptys into the river.
Q How far is that from Melvin post offide? A About seven, or probably eight miles from there.
Q You live between Wagoner and Melvin then on the grand river? A Yes, sir.
Q Did you know Arlie Cochran before the war? A Yes, sir.
Q Was Arlie Cochran a man or woman? A Woman.
Q Did she own a slave by the name of Mary? A Yes, sir.
Q How far do you live from Arlie Cochran? A About a mile and a half.
Q Did you know a child of Mary's by the name of Jim? A Yes, sir.
Q Did you know where Mary, the mother of Jim, went during the war? A Yes, sir, she went North at the commencement of the war.
Q Ask him if he saw her up there? A Yes sir.
Q Where? A Fort Scott.
Q Did you know her up there? A Yes, sir, I was at her house about a week.
Q When was that? A In September, 1866.
Q Was she in Fort Scott at that time? A Yes, sir, she was living there.
Q here did you go from Fort Scott? A I had left; I had gone there from this country with some cattle man, drove some cattle up beyond Fort Scott and I came through there on my way back.
Q Did he come on back to the Cherokee Nation after that? A Yes, sir.
Q Well, where did he locate then in the fall of '66 after he came back from Kansas? A I came to where my father lived near where my father now lives.
Q Was that in Tahlequah district? A Yes, sir.
Q How far from Grand river? A About a mile or hardly so far.
Q Now, when did you next see this woman, Mary Rogers? A About four years after that.
Q Where did he see her? A She moved near where I lived at that time; she rented a house near there.
Q Did you know where she moved from? A No, I could not state positively, but they stated that they had come from up that way, that they had just come.
Q Up from what way? A I just asked them the question if they had just now come and they said yes; I don't remember asking them if they had come from Fort Scott direct there.
Q You had seen the family in Fort Scott before? A Yes, sir.
Q And was this the next time you saw them? A Yes, sir.
Q Well, had you lived over there in that neighborhood all the time from '66 up to this time when you saw them? A Yes, sir, I had lived there all that time.

Q How far from you did they locate when they first came in? A They first moved in about a mile from us and then after they left that place they moved in one of my houses.
Q You know them well then? A Yes, sir.
Q Did this woman, Mary, have any children when she moved down there, that you just now talked about? A Yes, she had two very nearly gown, a boy and a girl and small boy so high(indicating), the third one.
Q How long did they live there? A I could not state just the length of time they lived there, but they lived theresometime.
Q XWell, about how long? A About ten years I suppose, probably not so long, might have been just about eight
Q Do you know where this boy or man and his mother then went; where they went from there? A One of the boys left first me and then sometime after that their mother left and went to the Creek Nation.
Q Where have they been living since that time? A The next time I saw this woman was at this place about a year ago; she told me at that time that she was living in the Creek Nation.
Q Do you know where she is living now? A No, I haven't heard.
Q Is she living up in your neighbor hood? A No, sir, the last time I have seen her was when I saw her here about a year ago.
Q Did you know what this Mary's english name was, and what Jim's name was, what they go by? A Her husband's name was Toss.
Q You don't know what the other part of it? A No, sir, I don't know.
Q Is this the same Toss who worked up there at Tahlequah for Dr. Adair in a livery stable and wore a cap on his belt? A That is the same man.
Q Well, did Arlie Cochran own one woman by the name of Mary? A Yes, sir.
Q Did he say just one or more than one? A Just one I think.
Q Well, ask him if her name was Mary Rogers; if he ever heard her called Mary Rogers? A Yes, sir, that was her name, surname was Rogers, surname of her husband.
Q Did you ever hear Jim called by the name of Rogerw? A I don't remember hearing his surname I suppose that was his name.
BY MR. FAULDS: Ask him if he knows Nancy Benge, sometimes called Nancy Riley? A Yes, sir, I know her.
Q Where is she living? A She lives about seven miles up the riverf from where I live.
Q How long has she been living there? A She has been there about ten or twelve years.
Q Where did she live before that? A She lived near me there.
Q How far from you? A Just a little over a mile, I think.
Q Was she living there in '66? A Yes, she was living there, she was living with her mother at that time.
Q What was her mother's name? A Ollie.
Q Ollie Cochran? A Yes, that was her name.
Q Then This Nancy Benge or Nancy Riley, was the Mistressof this Mary Rogers? A No; well, I could not say positively it was either her mother, Nancy's mother, or Nancy herself, I don't know exactly.
Q Ask him if he is prepared to dispute Nancy Benge when she swears she is the owner of Nancy Rogers? A I have stated that I don't know positively which one of these women owned Mary, but they belonged either to the mother or to the daughter, Nancy.
Q You can't swear that Mary Rogers didn't come to this Cherokee Nation in '66? A All that I can state is that I saw her the second time after seeing her in Fort Scott; that is I saw her move to near where I live.
Q Can you dispute this Nancy Benge when she swears she came here in 1866 and went backwards and forwards like therest of us?

A Well, I hadn't made any inquiries as to where she may have come before that t ime, but then I was just stating the different times I have seen her, once in Fort Scott, and the next time over near where I lived something like four years afterwards.
Q Well, she might have been just visiting at Fort Scott or staying there for a short length of time when you saw her? A It didn't appear as they was just there temporarily, because she had her household effects there and seemed to be living at home.
Q Did you stay there over night with her? A Yes, sir, I stayed with her a week.
Q How many times did you visit her there while she lived there?
A That is all, just this one week that I speak about.
Q That is the only time you were at their place in Fort Scott, Kansas? A Yes, sir.
Q And what year did you saw that was? A It was in September, 1866.
Q That was the time you stayed there a week you say? A Yes, sir.
Q And that was the only time you ever were there? A Yes, sir.
Q Well, then she could have easily come down here in the Cherokee Nation between that and January, '67, without you knowing it?

Mr. Hastings: Come now the attorney for the Cherokee Nation and object to that bx because it is a conclusion for the Commission to draw.

Mr. Faulds: The attorney for the applicant states that this witness is positive in regard to his statements and ought to be allowed to say whether or not this woman could have returned here in the fall of '66 or in the winter without him knowing it.

A Yes, that is so; she may have come between those dates and I would not know it.
Q You would not like to dispute Nancy Benge when she swears positively that Mary Rogers came back here to the Cherokee Nation in '66? A Well, I am under oath to make a statement in regard to this case and I am simply stating what I know.
Q Ask him if he can write and read? A No, sir, not in elgnish.
Q Can you read and write Cherokee? A Yes, sir.
Q What year were you born in? A We have lost the family record during xkt the war; my age is 59.
Q Well, what year did the war between the United States and the Confederacy begin? A I was mustered into the service on July 11, 1862.
Q You don't know what year the war begin? A It must have been in the year 1862a
Q Now, ask him when peace was declared? A In 1865.
Q How long after that did you see Mary Rogers, in Fort Scott, Kansas? A The time I saw her was in the year 1866.
Q You never saw her in Fort Scott, Kansas, after the year '66?
A No, sir, I didn't see her any more until I saw her four years after.
Q Where were these people living at that time, four years afterward, in the Cherokee Nation? A As I stated they rented a house near where I lived, and then afterwards they rented my house.
Q Wh at year was it then rented your house? A I could not state the year, I don't know.
Q You have no idea what year it was? A No, sir.
Q Do you know what year you were married in? A It was about two years after the war closed.
Q Well, what year was it? A I am not able to state.
Q Now, how is it you can state the year and month when you saw this woman in Fort Scott, Kansas, and you can't state the year you were married in, and the year Mary Rogers went in this house of yours, or the year the war begin; how is it that date in '66 fixes itself upon your memory and the other dates do not?

A I have a memorandum of the time I was up there.
Q Have you got your memorandum here? A No, sir, not with me
Q Where is it? A It is at home.
Q Have you got a memorandum of the date when you were married?
A Yes, I have a memorandum of that.
Q How many times have you gone out of the Cherokee Nation in your life, since the war began? A That is the only time, just this time I speak of going with cattle men
Q When did you make your memorandum? A At tha time I was up there.
Q What did you make it in, a book? A Just on a piece of paper.
Q How many sheets had the piece of paper? A Just one sheet.
Q Then you have kept that sheet ever since? A Yes, sir.
Q And there is nothing on that she et just 1866, is that so?
A Yes, that is on there.
Q Is there anything else on there? A Well thereis two or three things on the memoranda, showing the time I left there with the cattle men and when I was up there and for what purpose I was up there.
Q Was that writing in Cherokee or english? A It is in Cherokee.
Q Well, where have you kept that memorandum, carried it around with you ever since? A Well, it has just been laid away at home.
Q Why didn't it get burned up with the other papers, the record of ~~your birth? A I didn't state that I had anything burned.~~
Q I thought you said the record of your birth was lost, destroyed?
A Well, that was in the possession of my parents, they lost it.
Q Well, now what did you make this memorandum for, what was the purpose of your making it? A Just for my own benefit, I didn't think it would be of any value to anyone else, just for my own use.
Q Well, the only way you know that Mary Rogers was in Fort Scott, Kansas, in '66 was by this memorandum? A Yes, sir.
A The reason I know it was in that year and in September, 1866, was the fact I made this memorandum at the time I was up there.
Q If you hadn't made your memorandum you would not have known anything about it? A (No response)
Q Did you remember the year or about the time when they went away from the Cherokee Nation to the Creek Nation? A No, I could not state the year they left the Cherokee Nation, but they lived around near me there for several years.
Q Is your wife living now? A Yes, sir.

Mr. Hastings: The Cherokee Nation desires to give notice to the attorney for Applicant that additional testimony will be offered in this case on Saturday, September 13th, between the hours of eight o'clock, A.M?, and five O'clock, P.M. at Fort Gibson.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his steno graphic notes thereof.

(SIGNED) J. O. Rosson

Subscribed and sworn to before me this 9th day of September, 1901

(Signed) T. B. Needles

Commissioner.

C.T.D. #60-5

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the xx foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Mattie M. Pace

Subscribed and sworn to before me this 26th of October, 1906.

B P Rasmus
Notary Public.

Cherokee Freedmen #-389.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, APRIL 27, 1904.

Dollie Jones, formerly Dollie Rogers, being first duly sworn, states:

That sometime during the month of August, 1903, she gave to one George L. Trigg, a colored non-citizen of Muskogee, Indian Territory, a power of attorney for the selection of her allotment as a Cherokee freedman in the Cherokee Nation; that it is now her desire to revoke that power of attorney and to act for herself in the selection of her allotment and that of her child, Sherman Jones.

And she therefore hereby declares said power of attorney to be revoked.

Dollie Jones

Subscribed and sworn to before me this 27th day of April, 1904.

Charles H Sawyer
Notary Public.

FILED
MAR 3 - 1905
COMMISSION TO FIVE TIMES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, March 3, 1905.

In the matter of the allotment of lands to Dollie Jones, nee Rogers, and her minor child, Sherman Jones Cherokee Card No. 389, Approved Roll Nos. 3281 and 3282.

Will Jones, non citizen husband and father, being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Will Jones.
Q How old are you? A 28 years old.
Q What is your post office? A Bristow, Indian Territory.
Q Do you make any claims to Cherokee citizenship? A I did, but I was turned down.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Dollie Jones.
Q What was her name before you married her? A Dollie Rogers.
Q Is your wife livingat this time? A Yes sir.
Q What is the name of her father and mother? A I do not know.
Q With whom was your wife living when you married her? A With her Grandmother, Mary Robbins.
Q Have you any children on the rolls? A One.
Q What is the name of this child? A Sherman Jones.
Q Is he living at this time? A Yes sir.
Q What is your object in appearing at the Land office today?
A To designate lands for an allotment for my wife and child.
Q Are there any improvements on the lands you wish designated for your wife and child? A The homestead has got a three wire fence around it.
Q The land that you want allotted separated is public domain? A Yes sir.
Q Do the lands lay west of the Grand river? A Yes, it lies over towards Tulsa. Yes sir, west of Grand river.
Q Are these lands suitable for an allotment? A Yes sir.
Q Have you been over the lands and examined them? A Yes sir.
Q Has any application been made for lands for your wife and child before this? Have you filed anywhere else? A No sir.
Q Prepared to designate two allotments today then are you? A Yes sir.
Q State the reasons why your wife does not appear and make personal selection for herself and child? A She is sick.
Q Is she under the care of a physician? A Yes sir.
Q How long has she been in this condition? A A week or more.
Q Is she in such condition that she is unable to travel? A Yes sir.
Q You testified that you and your wife were living together? A Yes sir.
Q Have you any written authority to make these designations? A Yes sir. Applicant offers Power of Attorney executed by Dolly Jones dated February 28, 1905, wherein she appoints her husband her attorney for the purpose of selecting lands in allotment in the Cherokee Nation for herself and children, Sherman Jones and Mary Jones.
Q Is the Dolly Jones named in this power of Attorney identical with the one you have been testifying about? A Yes sir.
Q And you are the Will Jones named in this Power of Attorney?
A Yes sir.
Q The affidavit also authorized you to file for Mary Jones. She is not enrolled? A No sir.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her notes thereof. Blanch Ashton
Subscribed and sworn to before me this 3rd day of March, 1905.

Notary Public.

Cherokee Freedman
D-60
A.T.No.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Rogers as a Cherokee Freedman.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on April 12, 1901, James Rogers appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had on September 3, and 7, 1901, at Fort Gibson, Indian Territory. A copy of the testimony taken at Fort Gibson, Indian Territory, on April 12, 1901, in re application of Mary Robbins for enrollment as a Cherokee Freedman, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, James Rogers was born since the commencement of the rebellion, and is a son of one Mary Robbins, formerly Rogers, who was the slave of a Cherokee citizen at the commencement of the rebellion, and who left the Cherokee Nation during said rebellion, and did not return thereto and establish her residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Lewis Downing, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. (Cherokee Freedman Enrollment Card No. 3 shows that Jesse Rogers, deceased, father of the applicant, James Rogers, was a non-citizen of the Cherokee Nation).

Excepting the facts set forth above, the record in this case is silent as to any fact of the Cherokee freedom in the possession of the applicant, James Rogers, or his mother, Mary Robbins, which qualified or entitled either of them to enrollment as Cherokee Freedmen.

Commission, and which, among others, includes a roll of Cherokee citizens made during the summer or fall of 1867, under the direction of the Commissioner of Indian Affairs.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the application for the enrollment of James Rogers as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this JUN 30 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen. F. No. 389.

Motion for Rehearing.

Come now the representatives of the Cherokee Nation and move the Department to reopen the case of Mary Robbins, et al., applicants for enrollment as freedmen citizens of the Cherokee Nation, enrolled upon freedmen straight card No. 389, for the following reasons to-wit:

First, the name of the said Mary Robbins does not appear upon the roll of 1880, and therefore she claims her right to be enrolled as a freedman citizen upon testimony submitted in her case.

Second, The records show that over the protest of the attorneys for the Cherokee Nation Mary Robbins was placed upon a straight card in the field by the enrolling party, instead of upon a doubtful card, and no record was kept of the freedmen straight card cases.

Third, Attached hereto is the testimony of Arch Cockrum, Dee Dick and Columbus Baldridge filed in the case of her son James Rogers, F. D. 60, which clearly shows that she is not entitled to be enrolled as a freedman citizen of the Cherokee Nation.

The records show that the case of Mary Robbins was one of the first taken by the Commission when it went into the field in April of 1901 and that an error was committed by the member of the Commission in charge by ordering these applicants placed upon a straight card and therefore when her son appeared, being placed upon a doubtful card no cross-reference was made from one to the other, so that the testimony filed in the one was filed also and made a part of the other, as was the custom of the Commission in the enrollment of parties. The testimony in the James Rogers case as we have pointed out in our brief heretoattached clearly shows that MaryRobbins, formerly Mary Rogers, did not return to the Cherokee Nation before about the year 1870. We submit, therefore, that

inasmuch as the Commission did not file the testimony in the case of James Rogers in that of his mother, and made no cross reference that an injustice would be done the Cherokee Nation unless the case of Mary Robbins is reopened and remanded and the testimony in the case of her son be considered therewith and, therefore, we move the Department that this case be reopened and remanded and that a rehearing be had in said case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)ss
Western District.)

W. W. Hastings being first duly sworn states that he is the attorney for the Cherokee Nation; that the facts set forth in the above motion are true and said motion is not made for delay, but that justice may be done; that he believes said motion is meritorious and that from the facts set forth in the case of James Rogers he does not believe that Mary Robbins is entitled to be enrolled as a freedman citizen of the Cherokee Nation.

W. W. Hastings

Subscribed and sworn to before me this the 25 day of June, 1906.

Edward A. Miller
Notary Public.

My Com. Ex. July 8-1910

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Rogers as a Cherokee freedman, F. D. 60.

Protest of the Cherokee Nation Against Motion to Reopen.

The record in this case shows that the applicant applied to be enrolled as a freedman citizen of the Cherokee Nation on April 12, 1901, and was rejected by the Commission on June 30, 1905, and his age is given in the testimony as 34 years, and he would therefore have been born in the year of 1867. In support of his application to reopen is an affidavit of James Rogers himself and of Mary Robbins, his alleged mother, and also an affidavit of Margaret Sanders. But it will be noted that Margaret Sanders only testifies in her affidavit as to the relationship and not as to the return of Mary Robbins. The next affidavit is signed by Polly Ross. This Polly Ross is a lewd negro winch living at Fort Gibson, who has testified in numbers of cases and who has been thoroughly repudiated and particularly in the case of Martha Phillips, F. D. 852, whose case has been to the Department twice and her rejection finally approved. That being the case, nothing new is disclosed in the attached affidavits. James Rogers now seeks to be enrolled, not upon the testimony in his case, but for the reason that his mother, Mary Robbins, has been placed on the approved roll of Cherokee freedmen.

By an examination of the case of Mary Robbins it will be seen that she made application soon after the Commission went into the field at Fort Gibson, Indian Territory, in April of 1901, before the members of the Commission had the slightest idea of the amount of perjury that would be committed in citizenship cases, and Mary Robbins was ordered in the field to be placed upon a straight case, instead of upon a doubtful card. The representatives of the Cherokee Nation having so many citizenship cases upon their hands, kept no record of the straight card cases, but only kept a record of doubtful cases, and therefore no additional testimony was placed in the case of Mary Robbins and her case was therefore overlooked and she was enrolled. However, a motion is now made to have said case reopened and readjudicated upon the testimony filed in this case, being that of her son.

The question arises in this case, not whether or not Mary Robbins is enrolled, but whether or not she was actually entitled to enrollment and even if the Commission permitted an error in the enrollment of Mary Robbins, the Department would not now be justified in permitting a second error in the enrollment of James Rogers.

It will be noted in the James Rogers case that all of the testimony filed in the Mary Robbins case was also filed in this case, and there was no testimony, except that of Mary Robbins, and of her alleged mistress Nancy Benge. But lets analyze the testimony. James Rogers being born after the war as he claims of course does not know where he was born, and of course does not know his early whereabouts. We pass, therefore, to the testimony of his mother. She swears as to her ownership before the war, that she went to Fort Scott, Kansas, that she there married Tosh Rogers, and she swears that she had some ten children by him. She does not know a single year, not even the one in which she testified. She did not know when the Wallace roll was made. Of course she testified that she was told she came in 1866, but as a matter of fact she knew no more of that date than she did of any other, and she claims to have come to where her young mistress lived on Grand River. Nancy Benge testified that she owned her and that she came back directly after the war, in 1866, but her evidence discloses that she was not familiar with dates, nor does she give any reasons for knowing that she return in 1866. She does not know how old she is and said she might be 50 or 60. She does not know what time in

1866 Mary Rogers returned. In fact there is nothing whatever convincing in her testimony. It is quite clear that she could easily have been mistaken, it being now some 40 years after she claimed that they returned. But look back further into the testimony of Mary Robbins in her own case, F. 389, which we will ask to be considered in connection with this case, inasmuch as this applicant relied upon the enrollment of his mother. She says James is about 30 years old; that was on April 12, 1901. That would make him have been born about 1870 or 1871. In her supplemental testimony in 1903, she testifies more at length. She says that she went [illegible] to Fort Scott, Kansas, married Tosh Rogers up there and came back there to Grand River, near Gibson Station in the Cherokee Nation. She testifies that she was married to him about the close of the war by a preacher, and she admits that she had three children born in the State of Kansas, who died up there. In answer to this question, "Did you get married up in Kansas?" she answered "We got married up in Kansas."

"Q. Who married you up in Kansas, a preacher? A. A preacher."

"Q. You had some children by Rogers? A. Yes, sir, I am the mother of ten children, all dead but three."

"Q. How long had you been married to him before you came down to the Nation? A. I don't know that long, I don't know how many years."

Q. Several years? A. Maybe so, I don't know."

"Q. Do you know how long you stayed in Kansas when you went up there during the war? A. No, sir, I don't."

The answers to these questions discloses that it is quite apparent that the witness Mary Rogers, now Mary Robbins, knew nothing whatever about dates and on cross-examination she admits that she only knows the year 1866 from what was told her and she admits that she did not know the year in which she was then testifying. This shows how little faith can be placed in these witnesses. She was asked this question:

"Q. Do you know what year this is, auntie? A. No, sir, I don't know w hat year this is."

"Q. Do you know any year? A. Well, I know March and August."

"Q. You don't know one year from another? A. Yes, when they tells me I knows."

Further on down she was asked this question on cross-examination:

"Q. Did you and Tosh marry up there after the close of the war? A. Yes, sir."

"Q. What was the oldest child you ever had, auntie? A. I don't know; they are all dead. Johnnie was the oldest."

"Q. The oldest child you had by Tosh? A. Johnnie, he is dead."

"Q. Where did he die? A. He died in Kansas."

"Q. How old was he when he died? A. I couldn't tell you."

"Q. Two or three years old; was he younger or older than that? A. I just couldn't tell you. He was little."

"Q. Was he old enough to walk? A. O, no."

"Q. Was he a year old? A. I guess so, I couldn't tell you. I couldn't tell you how old he was."

She testified that the next child she had after Johnnie was Tom, and that he was born in Kansas and died there, and that she had a third child by the name of Tee, also born in Kansas. It will be noted throughout this examination that she never made any mention of James Rogers, but it will be seen that she herself testifies that she was married to Tosh Rogers about the close of the war and that she gave birth to three children, but all died in the State of Kansas. Now lets see if her testimony as to the number of children she had and where they died, and the time she was married does not corroborate the witnesses introduced on behalf of the Cherokee Nation as to the date of her return to the Cherokee Nation. The Cherokee Nation introduced three witnesses, Arch Cochrum, Geo Dick and Columbus Baldridge. These witnesses were cross-examined by J. B. Maulds, attorney for applicant, so that in each case she was represented. They testified that in the year 1866, they lived upon Grand River in the same neighborhood and close to where Nancy Benge, the young mistress, lived and they testified positively that Mary Robbins did not come back there in the year of 1866. The first two state that it was some two or

three years, whereas Columbus Baldridge goes more into detail. He knew the woman in Fort Scott, Kansas, where he saw her while he was passing through in September, 1866. He knew when she came back and crossed the river and when she settled there. He swears most positively that she did not return until about four years after the war which would have made it in 1870 or about that. Now, we insist that he is corroborated by the testimony of Mary Robbins herself, who says that she was married to Tosh Rogers about the close of the war by a preacher in Kansas, and that thereafter she had three children born to her in the State of Kansas, and that all died there, and she could hardly have had three children in less than some four or five years, and certainly not by 1866, within one year after the close of the war. We insist therefore that under the testimony James Rogers is not entitled to be enrolled as a freedmen citizen of the Cherokee Nation and that the judgment of the Commission to the Five Civilized Tribes should be affirmed by the Secretary and the motion for a rehearing denied. We further insist that it was error on the part of the commission to enroll Mary Robbins and that the error was committed by her being enrolled upon a straight card case and not upon a doubtful card, and that if she had been enrolled upon a doubtful card and a cross reference made to this case, then the testimony in this case would have been thrown into her case. We feel confident that the Department will sustain a motion to reopen the case of Mary Robbins.

Respectfully submitted,

(Signed) W. W. Hastings,

Attorney for the Cherokee Nation.

SUPPLEMENTAL: File with C.F.D-60,

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, IT, Sept. 5,1901.

In the matter of the enrollment of James Rogers as a Cherokee Freedman;
ARCH COCKRUM, being sworn by Commissioner Needles, testified as follows:

Appearances:
J.F.Faulds, for the applicant, as attorney.
L.B.Bell, for the Cherokee Nation.

Com'r Needles: Witnesses sworn and placed under the rule.

TESTIMONY ON PART OF CHEROKEE NATION.
Simon R. Walkingstick, Interpreter.

BY MR. BELL:
Q What is his name? A Arch Cockrum.
Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Wagoner, I. T.
Q Age? A Something over eighty years old.
Q Well tell him we have got the case up here of James Rogers, and I want to make some inquiry of him about him, a colored man?
A Well he asks the question: The one we was taliking about?
Q Yes. I want to ask him if he is acquainted with Arley Cockrum?
A Yes sir.
Q Where did she live in her life time? A Just across from Joe French's ferry on Grand river.
Q Did she have a daughter named Nancy? A Yes sir.
Q Now known as Nancy Riddle, or Nancy Benge? A Yes, sir.
Q Did this Arley Cockrum or Nancy Benge own a colored woman by the name of Mary? A Yes sir, Ollie owned a colored woman named Mary.
Q Was he acquainted with this woman? A Yes, sir, I knew her from when she was so high.(indicating).
Q Did she leave the Cherokee Nation during the war that he knows of?
A Yes sir.
Q Did he know about what time she returned to the Cherokee Nation after the war was over? A I couldn't state just exactly the time, but it was something after the expiration of the time in which the Freedmen were to return.
Q I will ask him if he lived in the neighborhood of where Arley and Nancy Benge lived or Nancy Riddle, at the close of the war? A Yes sir, I lived near them.
Q Well now what years did he live there, that is, where was he the first year after the war closed, that is 1866? A Well just directly after the close of the war I moved up north of the Canadian river and stayed there one summer, and then after I left the Canadian River I moved up there,-don't state where,-just above here and stayed there a year and the next year he moved up [redacted] near where these parties lived, and I had been there about two years when she came there.
Q When she came there,-get that a little more definite? A That colored woman..
Q He said he stayed that summer below here, was that the same summer the war closed, in Canadian? A Yes sir, that was the same summer.
Q Then the next summer he farmed above here a few miles? A In the fall I left Canadian down there and moved to my place up here.
Q Well there's where he stayed and made a crop? A I made one crop there and then sold the place and moved to near where I had formerly lived, near my father's.
Q That was in the neighborhood of Arley and how far from there?
A I don't hardly think it was a quarter of a mile.
Q How long after he moved up there did he say he thinks it was before they came? A It must have been about 2 years, after I had been there.
Q Well, did this Mary, this colored woman, have ahusband? A Yes sir..
Q What was his name? A Tosh was his name.
Q Tosh Rogers? A Yes sir.

Q Did he have any children? A Yes sir, they had children.
Q They have a boy? A Yes sir, the oldest one was a boy.
Q What was his name? A James.
BY MR. FAULDS:
Q Immediately after the war closed you moved away from the place where Nancy Benge or Nancy Riddle was living? A Nosir, he didn't state anything definitely; he just says he lived up there.
Q He said he moved away some place, how far did you go away from where this Nancy Benge lived, you said you moved on the Canadian didn't you, north of the Canadian? A Well I moved just about three miles north of this place north of Fort Gibson after living on Canadian River.
Q Well when did he go to the Canadian River? A I had come from Red River just directly after the close of the war and was on my way home.
Q I don't think he understands my question; I want to know if he was living in the neighborhood of this Nancy Benge or Nancy Riddle whatever her name is, right after the close of the war, for a year or so afterwards; if he wasn't living there where was he living? A I was south when the war closed.
Q When did he come back here? A As I stated, when I left south I came to the Canadian River and stayed there one summer, immediately after the war.
Q Would that be the summer of '65? A Perhaps so, I don't know.
Q Now where was he the next summer after that; that is, the year after the war was over? A At the place I stated, three miles north of Fort Gibson.
Q How far is that from where Nancy Benge was living at that time?
A About three miles.
Q Now how long did you stay there at this place three miles north of Fort Gibson? A Just one year.
Q Then where did you go? A I moved to near where Nancy Benge lived
Q That would be about three years after the war? A Yes sir.
Q Now do you know where Mary Rogers went when the war broke out? A She went north.
Q To Fort Scott, Kansas? A I suppose so.
Q Now, ask him if he is prepared to dispute the word of Nancy Benge when she swears that this Mary Rogers came back in 1866, and was there from time to time? A Yes sir, I am prepared to say that; I know what I am talking about.
Q Are you prepared to swear that Mary Benge could not have come to this Cherokee Nation unless you saw her and knew her at the time she came?
A Well, when she first came I was on the river and I saw her come across the stream.
Q But do you pretend to swear that she wasn't in this country before that, couldn't she have come here to this country when you were down on the Canadian River, come here and stayed a while and gone back again, as Nancy Benge says? A I don't know whether she had been here before that time or not; if she had been I couldn't state whether she had or not.
Q All you can state is the first time you saw her in the Cherokee Nation is when you were living up there by Nancy Benge two or three or four years after the war? A Yes.
Q She might have been here several times before that without your seeing her? A Yes sir, that's true.

GEE DICK, being sworn by Commissioner Needles, testified as follows:
BY MR. BELL: (Simon R. Walkingstick, interpreter)
Q Ask him his name? A Gee Dick.
Q How old is he? A Well I was two or three years old when the Cherokees came here in 1838.
Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Melvin.
Q Was he in the country in 1866, the year after the war closed?
A Yes sir.
Q Was he acquainted with Arley Cookrum? A Yes sir, I knew her.
Q Did she have a daughter named Nancy, sometimes known now as Nancy Riddle or Nancy Benge? A Yes sir.

Q Did he live anyways near them before the war? A No sir, I didn't live near them until after the war.
Q Well how near them did he live in 1866? A Just about a mile.
Q He don't know then whether they had a colored woman by the name of Mary? A Yes, I used to go through the country there quite often, and I knew they owned a colored woman named Mary.
Q Has he seen this colored woman since the war? A Yes sir, I saw her sometime afterwards.
Q Well when was the first time when he saw her there after the war at this Nancy or Arley's house? A Why it was something after the year 1870.
Q Where did he see her at? A I saw her at her house.
Q At the woman's own house? A Yes sir, she was living with a man named Tosh Rogers.
Q How far is that from Nancy or Arley Cockrum? A They lived just about a quarter of a mile or it might have been as far as a half a mile.
Q Was it on the same place, or did she have a little place of their own? A They were living in a rented house.
Q How long now had he been living there in a mile of Arley Cockrum's when he first saw this Tosh Rogers and his wife, or this Mary Rogers and her husband come there? I had been there about 5 years. After I was mustered out at this place I went direct from here there in that neighborhood.
Q During all that time he never saw nothing of these folks until 1870? A
MR. FAULDS: That is a leading question.
A Yes sir, that's the first time I saw them.
Q Was he intimately acquainted with these folks, this Arley Cockrum, and about their house much, neighbors? A Yes sir, I would often go there and became quite well acquainted with them.
Q Does he know whether this Nancy went up North or not, this girl, daughter of Arley? A She remained in the country.
BY MR. FAULDS:
Q All you know is that the first time you saw this Mary Rogers after the war was at this Nancy Benge? A As I stated, that was about the first time I saw her, and was along about the year 1870, of thereabouts.
Q You can't dispute the word of Nancy Benge when she swears she saw her in 1866 or before that? A I am not prepared to dispute the statement of Nancy Benge, but she wasn't in the country in the year 1866, this Mary wasn't in the country in the year 1866.
Q Couldn't she have been here without your seeing her; did you keep track of all the colored people here at that time? A No sir, I think not, because when she came to the country she came direct to that place, they said she had just come in.
Q She could have come in this country in 1866 and have gone backwards and forwards ever since, couldn't she, without your having seen her at all up until the time you speak of? A I don't think she could have come without me seeing her.
Q Well suppose she came to Webbers Falls, would you have been sure to have seen her? A There would be no reason for her to come way down there, she was in Fort Scott, Kansas.
Q Tell him to answer my question; were you looking for her from the close of the war right up until you found her? A No sir, I was not looking for her at all; I would hear of her though.
QWhen did you first know her? A Well it was along after 1870 that I became acquainted with her.
Q Never saw her until 1870? A No sir.
Q Didn't know anything about her? A I had only heard that they owned a slave by that name.
Q Now you want to swear that she couldn't have been in any spot or hole or corner in this Cherokee Nation throughout the whole length and breadth of it unless you had been right there and put your eyes right on her? A No, I couldn't have seen her if she had come to some other part of the Cherokee Nation than up there, I couldn't have seen her because I can't see very far.
Q Is your eye sight poor? A (Not interpreted by interpreter.)

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M.D.Green, being first duly sworn, states that as stenogrpher to the

James Rogers et al & sup'l

Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M B Green

Subscribed and sworn to before me this September 30th, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

(This test in Ch.by bld b'k #61-stenog.)

R C. F. D. #60.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JAMES ROGERS as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
W. W. Hastings, of Counsel for Cherokee Nation.
J. F. Faulds, Attorney for applicant.

COLUMBUS BALDRIDGE, being duly sworn, testified as follows:
Examination conducted through Interpreter Simon R. Walkingstick.
Mr. Hastings: What is your name? A Columbus Baldridge.
Q What is your age? A 59.
Q Where do you live? A I live in Tahlequah district.
Q Are you a full blood Cherokee Nation? A Yes, sir.
Q What part of Tahlequah district do you live in? A It is near the Grand river between that and where the Fourteen Mile Creek emptys into the river.
Q How far is that from Melvin post office? A About seven, or probably eight miles from there.
Q You live between Wagoner and Melvin then on the grand river?
A Yes, sir.
Q Did you know Arlie Chochran before the war? A Yes, sir.
Q Was Arlie Cochran a man or woman? A Woman.
Q Did she own a slave by the name of Mary? A Yes, sir.
Q How far do you live from Arlie Cochran? A About a mile and a half.
Q Did you know a child of Mary's by the name of Jim? A Yes, sir.
Q Did you know where Mary, the mother of Jim, went during the war?
A Yes, sir, she went North at the commencement of the war.
Q Ask him if he saw her up there? A Yes, sir.
Q Where? A Fort Scott.
Q Did you know her up there? A Yes, sir, I was at her house about a week.
Q When was that? A In September, 1866.
Q Was she in Fort Scott at that time? A Yes, sir, she was living there.
Q Where did you go from Fort Scott? A I had left; I had gone there from this country with some cattle man, drove some cattle up beyond Fort Scott and I came through there on my way back.
Q Did he come on back to the Cherokee Nation after that? A Yes, sir.
Q Well, where did he locate then in the fall of '66 after he came back from Kansas? A I came to where my father lived near where my father now lives. Q Was that in Tahlequah district? A Yes, sir.
Q How far from Grand river? A About a mile or hardly so far.
Q Now, when did you next see this woman, Mary Rogers? A About four years after that.
Q Where did he see her? A She moved near where I lived at that time; she rented a house near there.
Q Did you know where she moved from? A No, I could not state positively but they stated that they had come from up that way, that they had just come.
Q Up from what way? A I just asked them the question if they had just now come and they said yes; I don't remember asking them if they had come from Fort Scott direct there.
Q You had seen the family in Fort Scott before? A Yes, sir.
Q And was this the next time you saw them? A Yes, sir.
Q Well, had you lived over there in that neighborhood all the time from '66 up to this time when you saw them? A Yes, sir, I had lived there all that time.

Q How far from you did they locate when they first came in? A They first moved in about a mile from us and then after they left that place they moved in one of my houses.
Q You knew them well then? A Yes, sir.
Q Did this woman, Mary, have any children when she moved down there, that you just now talked about? A Yes, she had two very nearly grown, a boy and a girl and small boy so high (indicating), the third one.
Q How long did they live there? A I could not state just the length of time they lived there, butthey lived there sometime.
Q Well, about how long? A About ten years I suppose, probably not so long, might have been just about eight.
Q Do you know where this boy or man and his mother then went; where they went from there? A One of the boys left first and then sometime after that their mother left and went to the Creek Nation.
Q Where have they been living since that time? A The next time I saw this woman was at this place about a year ago; she told me at that time that she was living in the Creek Nation.
Q Do you know where she is living now? A No, I haven't heard.
Q Is she living up in your neighborhood? A No, sir, the last time I have seen her was when I saw her here about a year ago.
Q Did you know what this Mary's English name was, and what Jim's name was, what they go by? A Her husband's name was Toss.
Q You don't know what the other part of it? A No, sir, I don't know.
Q Is this the same Toss who worked up there at Tahlequah for Dr. Adair in a livery stable and wore a cap on his belt? A That is the same man.
Q Well, did Arlie Cochran own one woman by the name of Mary? A Yes, sir
Q Did he say just one or more than one? A Just one I think.
Q Well, ask him if her name was Mary Rogers; if he ever heard her called Mary Rogers? A Yes, sir, that was her name, surname was Rogers, surname of her husband.
Q Did you ever hear Jim called by the name of Rogers? A I don't remember hearing his surname I suppose that was his name.
BY MR. FAULDS: Ask him if he knows Nancy Benge, sometimes called Nancy Riley? A Yes, sir, I know her.
Q Where is she living? A She lives about seven miles up the river from where I live.
Q How long has she been living there? A She has been there about ten or twelve years.
Q Where did she live before that? A She lived near me there.
Q How far from you? A Just a little over a mile, I think.
Q Was she living there in '66? A Yes, she was living there, she was living with her mother at that time.
Q What was her mother's name? A Ollie.
Q Ollie Cochran? A Yes, that was her name.
Q Then This Nancy Benge or Nancy Riley, was the Mistress of this Mary Rogers? A No; well, I could not say positively it was either her mother, Nancy's mother, or Nancy herself, I don't know exactly.
Q Ask him if he is prepared to dispute Nancy Benge when she swears she is the owner of Nancy Rogers? A I have stated that I don't know positively which one of these women owned Mary, but they belonged either to the mother or to the daughter, Nancy.
Q You can't swear that Mary Rogers didn't come to this Cherokee Nation in '66? A All that I can state is that I saw her the second time after seeing her in Fort Scott, that I saw her move to near where I live.
Q Can you dispute this Nancy Benge when she swears she came here in 1866 and went backwards and forwards like the rest of us? A Well, I hadn't made any inquiries as to where she may have come before that time, but then I just was stating the different times I have seen her, once in Fort Scott, and the next time over near where I lived something like four years afterwards.
Q Well, she might have been just visiting at Fort Scott or staying there for a short length of time when you saw her? A It didn't appear as though she was just there temporarily, because she had her household effects there and seemed to be living at home.
Q Did you stay there over night with her? A Yes, sir, I stayed with her a week.

Q How many times did you visit her there while she lived there?
A That is all, just this one week that I speak about.
Q That is the only time you were at their place in Fort Scott, Kansas?
A Yes, sir.
Q And what year did you say that was? A It was in September, 1866.
Q That was the time you stayed there a week you say? A Yes, sir.
Q And that was the only time you ever were there? A Yes, sir.
Q Well, then she could have easily come down here in the Cherokee Nation between that and January, '67, without you knowing it?

Mr. Hastings: Come now the attorney for the Cherokee Nation and object to that because it is a conclusion for the Commission to draw.

Mr. Faulds: The attorney for the aplicant states that this witness is positive in regard to his statements and ought to be allowed to say whether or not this woman could have returned here in the fall of '66 or in the winter without him knowing it.

A Yes, that is so; she may have come between those dates and I would not know it.
Q You would not like to dispute Nancy Benge when she swears positively that Mary Rogers came back here to the Cherokee Nation in '66? A Well, I am under oath to make a statement in regard to this case and I am simply stating what I know.
Q Ask him if he can write and read? A No, sir, not in English.
Q Can you read and write Cherokee? A Yes, sir.
Q What year were you born in? A We have lost the family record during the war; my age is 59.
Q Well, what year did the war between the United States and the Confederacy begin? A I was mustered into the service on July 11, 1862.
Q You don't know what year the war begin? A It must have been in the year 1862.
Q Now, ask him when peace was declared? A In 1865.
Q How long after that did you see Mary Rogers, in Fort Scott, Kansas?
A The time I saw her was in the year 1866.
Q You never saw her in Fort Scott, Kansas, after the year '66? A No, sir, I didn't see her any more until I saw her four years after.
Q Where were these people living at that time, four years afterward, in the Cherokee Nation? A As I stated they rented a house near where I lived and then afterwards they rented my house.
Q What year was it they rented your house? A I could not state the year, I don't know.
Q You have no idea what year it was? A No, sir.
Q Do you know what year you were marri ed in? A It was about two years after the war closed.
Q Well, what year was it? A I am not able to state.
Q Now, how is it you can state the year and month when you saw this woman in Fort Scott, Kansas, and you can't state the year you were married in, and the year Mary Rogers went in this house of yours, or the year the war begin; how is it that date in '66 fixes itself upon your memory and the other dates do not? A I have a memorandum of the time I was up there
Q Have you got your memorandum here? A No, sir not with me.
Q Where is it? A It is at home.
Q Have you got a memorandum of the date when you were married? A Yes, I have a memorandum of that.
Q How many times have you gone out of the Cherokee Nation in your life, since the war began? A That is the only time, just this time I speak of going with cattle men.
Q When did you make your memorandum? A At the time I was up there.
Q What did you make it in, a book? A Just on a piece of paper.
Q How many sheets had the piece of paper? A Just one sheet.
Q Then you have kpet that sheet ever since? A Yes, sir.
Q And there is nothing on thatsheet just 1866, is that so?
A Yes, that is on there.
Q Is there anything else on there? A Well there is two or three things on the memoranda, showing the time I left there with the cattle men and when I was up there and for what purpose I was up there.

Q Was that writing ... Cherokee ... English? A It is in Cherokee.
Q Well, where have you kept that memorandum, carried it around with you ever since? A Well, it has just been laid away at home.
Q Why didn't it get burned up with the other papers, the record of your birth? A I didn't state that I had anything burned.
Q I thought you said the record of your birth was lost, destroyed?
A Well, that was in the possession of my parents, they lost it.
Q Well, now what did you make this memorandum for, what was the purpose of your making it? A Just for my own benefit, I didn't think it would be of any value to anyone else, just for my own use.
Q Well, the only way you know that Mary Rogers was in Fort Scott, Kansas, in '66 was by this memorandum? A Yes, sir. The reason I know it was in that year and in September, 1866, was the fact I made this memorandum at the time I was up there.
Q If you hand't made your memorandum you would not have known anything about it? (No response.)
Q Did you remember the year or about the time when they went away from the Cherokee Nation to the Creek Nation? A No, I could not state the year they left the Cherokee Nation, but they lived around near me there for several years.
Q Is your wife living now? A Yes, sir.

Mr. Hastings: The Cherokee Nation desires to give notice to the attorney for applicant that additional testimony will be offered in this case on Saturday, September 13th, between the hours of eight o'clock, A. M., and five o'clock, P. M., at Fort Gibson.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 9th day of September, 1901.

(Signed) T. B. Needles, Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins et al for enrollment as citizens of the Cherokee Nation.

No. E369

United States of America,
Indian Territory,
Western District. } ss. Affidavit to Show Service.

This day personally appeared before me the undersigned a Notary public within and for the Western District of the Indian Territory, H. M. Vance, who being by me first duly sworn on oath states, that his age is 27 years and that his postoffice is Muskogee, Indian Territory, and that on the 25" day of June, 1906, he deposited in the United States postoffice at Muskogee, Indian Territory, an envelope containing a true copy of the instrument attached and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to Louis J. Brown, whose postoffice address is Muskogee, I. T.

H. M. Vance

Subscribed and sworn to before me this the 25" day of June, 1906.

My Com. Ex. May 8-1910

Edward P. Miller
Notary Public

U. S. Registered Mails go to every post office in the world. Letters and parcels may be insured at any fee not exceeding $100. Letters and parcels may be registered at any fee not exceeding $1000. Registered articles must be delivered to the addressee only, or upon his order. Registered articles must be delivered to the addressee only, or upon his order. Registered articles must be delivered to the addressee only, or upon his order.

Letter / Parcel No. [illegible] P. O.,

Received for registration [illegible] 25, 1906 from [illegible]

addressed to [illegible]

[illegible] class postage prepaid

Postmaster, per [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Rogers as a Cherokee freedman, F. D. 60.

Protest of the Cherokee Nation Against Motion to Reopen.

The record in this case shows that the applicant applied to be enrolled as a freedman citizen of the Cherokee Nation on April 12, 1901, and was rejected by the Commission on June 30, 1905, and his age is given in the testimony as 34 years, and he would therefore have been born in the year of 1867. In support of his application to reopen is an affidavit of James Rogers himself and of Mary Robbins, his alleged mother, and also an affidavit of Margaret Sanders. But it will be noted that Margaret Sanders only testifies in her affidavit as to the relationship and not as to the return of Mary Robbins. The next affidavit is signed by Polly Ross. This Polly Ross is a lewd negro winch living at Fort Gibson, who has testified in numbers of cases and who has been thoroughly repudiated and particularly in the case of Martha Phillips, F. D. 852, whose case has been to the Department twice and her rejection finally approved. That being the case, nothing new is disclosed in the attached affidavits. James Rogers now seeks to be enrolled, not upon the testimony in his case, but for the reason that his mother, Mary Robbins, has been placed on the approved roll of Cherokee freedmen.

By an examination of the case of Mary Robbins it will be seen that she made application soon after the Commission went into the field at Fort Gibson, Indian Territory, in April of 1901, before the members of the Commission had the slightest idea of the amount of perjury that would be committed in citizenship cases, and Mary Robbins was ordered in the field to be placed upon a straight case, instead of upon a doubtful card. The representatives of the Cherokee Nation having so many citizenship cases upon their hands, kept no record of the straight card cases, but

only kept a record of doubtful cases, and therefore no additional testimony was placed in the case of Mary Robbins and her case was therefore overlooked and she was enrolled. However, a motion is now made to have said case reopened and [redacted]ted upon the testimony filed in this case, being that of her son.

The question arises in this case, not whether or not Mary Robbins is enrolled, but whether or not she was actually entitled to enrollment and even if the commission permitted an error in the enrollment of Mary Robbins, the Department would not now be justified in permitting a second error in the enrollment of James Rogers.

It will be noted in the James Rogers case that all of the testimony filed in the Mary Robbins case was also filed in this case, and there was no testimony, except that of Mary Robbins, and of her alleged mistress Nancy Benge. But lets analyze the testimony. James Rogers being born after the war as he claims of course does not know where he was born, and of course does not know his early whereabouts. We pass, therefore, to the testimony of his mother. She swears as to her ownership before the war, that she went to Fort Scott, Kansas, that she there married Tesh Rogers, and she swears that she had some ten children by him. She does not know a single year, not even the one in which she testified. She did not know when the Wallace roll was made. Of course she testified that she was told she came in 1866, but as a matter of fact she knew no more of that date than she did of any other, and she claims to have come to where her young mistress lived on Grand river. Nancy Benge testified that she owned her and that she came back directly after the war, in 1866, but her evidence discloses that she was not familiar with dates, nor does she give any reasons for knowing that she returned in 1866. She does not know how old she is and said she might be 50 or 60. She does not know what time in 1866 Mary Rogers returned. In fact there is nothing whatever conpinsing in her testimony. It is quite clear that she could easily have been mistaken it being now some 40 years after she claimed that they returned. But look back further into the testimony of Mary Robbins in her own case,

F. 389, which we will ask to be considered in connection with this case, inasmuch as this applicant relied upon the enrollment of his mother. She says James is about 30 years old; that was on April 18, 1901. That would make him have been born about 1870 or 1871. In her supplemental testimony in 1903, she testifies more at length. She says that she went to Fort Scott, Kansas, married Tosh Rogers up there and came back there to Grand River, near Gibson Station in the Cherokee nation. She testifies that she was married to him about the close of the war by a preacher, and she admits that she had three children born in the State of Kansas, who died up there. In answer to this question, "Did you get married up in Kansas?" she answered "We got married up in Kansas."

"Q. Who married you up in Kansas, a preacher? A. A Preacher."

"Q. You had some children by Rogers? A. Yes, sir, I am the mother of ten children, all dead but three."

"Q. How long had you been married to him before you came down to the Nation? A. I don't know that long, I don't know how many years."

Q. Several years? A. Maybe so, I don't know."

"Q. Do you know how long you stayed in Kansas when you went up there during the war? A. No, sir, I don't."

The answers to these questions disclosed that it is quite apparent that the witness Mary Rogers, now Mary Robbins, knew nothing whatever about dates and on cross-examination she admits that she only knows the year 1866 from what was told her and she admits that she did not know the year in which she was then testifying. This shows how little faith can be placed in these witnesses. She was asked this question:

Q. Do you know what year this is, aunite? A. No, sir, I don't know what year this is?

"Q. Do you know any year? A. Well, I know March and August."

"Q. You don't know one year from another? A. Yes, when they tells me I knows."

Further on down she was asked this question on cross-examination:

"Q. Did you and Tosh marry up there after the close of the war? A. Yes, sir."

"Q. What was the eldest child you ever had, auntie? A. I don't know; they are all dead. Johnnie was the eldest."

"Q. The eldest child you had by Teah? A. Johnnie, he is dead."

"Q. Where did he die? A. He died in Kansas."

"Q. How old was he when he died? A. I couldn't tell you."

"Q. Two or three years old; was he younger or older than that? A. I just couldn't tell you. He was little."

"Q. Was he old enough to walk? A. O, no."

"Q. Was he a year old? A. I guess so, I couldn't tell you. I couldn't tell you how old he was."

She testified that the next child she had after Johnnie was Tom, and that he was born in Kansas and died there, and that she had a third child by the name of Tee, also born in Kansas. It will be noted throughout this examination that she never made any mention of James Rogers, but it will be seen that she herself testifies that she was married to Teah Rogers about the close of the war and that she gave birth to three children, but all died in the State of Kansas. Now lets see if her testimony as to the number of children she had and where they died, and the time she was married does not corroborate the witnesses introduced on behalf of the Cherokee Nation as to the date of her return to the Cherokee Nation. The Cherokee Nation introduced three witnesses, Arch Cochrum, Bee Dick and Columbus Baldridge. These witnesses were cross-examined by J. F. Ralls, attorney for applicant, so that in each case she was represented. They testified that in the year 1866, they lived upon Grand River in the same neighborhood and close to where Nancy Benge, the young mistress, lived and they testified positively that Mary Robbins did not come back there in the year of 1866. The first two state that it was some two or three years, whereas Columbus Baldridge goes more into detail. He knew the woman in Fort Scott, Kansas, where he saw her while he was passing through in September, 1866. He knew when she came back and crossed the river and when she settled there. He swears most positively that she did not return until about four years after the war which would have made it in 1870 or about that. Now, we insist that he is corroborated by the

testimony of Mary Robbins herself, who says that she was married to Tosh Rogers about the close of the war by a preacher in Kansas, and that thereshe had three children born to her in the State of Kansas, and that all died there, and she could hardly have had three children in less than some four or five years, and certainly not by 1866, within one year after the close of the war. We insist therefore that under the testimony James Rogers is not entitled to be enrolled as a freedman citizens of the Cherokee Nation and that the judgment of the Commission to the Five Civilized Tribes should be affirmed by the Secretary and the motion for a rehearing denied. We further insist that it was error on the part of the Commission to enroll Mary Robbins and that the error was committed by her being enrolled upon a straight card case and not upon a doubtful card, and that if she had been enrolled upon a doubtful card and a cross reference made to this case, then the testimony in this case would have been thrown into her case. We feel confident that the Department will sustain a motion to reopen the case of Mary Robbins.

Respectfully submitted,

(Signed) W. W. Hastings JR

Attorney for the Cherokee Nation.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al with which is consolidated the case of James Rogers, applicants for enrollment as Cherokee freedmen.

Stipulation.

Comes now the firm of Zevely, Givens & Smith for the applicants, and W. W. Hastings for the Cherokee Nation, and stipulate and agree that the above entitled case may be continued from Thursday September 27th until Thursday October 11th, and whereas notice has been given that the deposition of Dorcas Buffington is to be taken in said case on Wednesday September 26th at Melvin, I. T., it is agreed that said deposition shall be taken on Wednesday October 10, 1906.

Signed on this the 19th day of September , 1906.

Zevely, Givens & Smith,

Attorneys for Applicants.

W. W. Hastings,

Attorney for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Melvin, Indian Territory, October 10, 1906.

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In the matter of the application for the enrollment, as Cherokee freedmen, of Mary Robbins et al., consolidating the applications of James Rogers D-60, Mary Robbins et al. 389, Albert Rogers 397 and Lillie Lowe et al. 398, the records of this office show that on July 19, 1906, there was remanded to it for rehearing and readjudication the Cherokee freedman case of James Rogers, said case to be consolidated with the cases of Mary Robbins, Albert Rogers and Lillie Lowe et al; that on August 30, 1906, the principal applicants in the case, their attorneys and the attorney for the Cherokee Nation were notified that the case would be taken up for hearing at the office of the Commissioner on September 27, 1906; that the testimony of Doreas Buffington, on behalf of applicants, would be taken at Melvin, Indian Territory, on September 26, 1906; that on September 19, 1906, it was stipulated by the attorneys for applicants and the attorney for the Cherokee Nation that the case should be continued until October 11, 1906, and the taking of the testimony of Doreas Buffington at Melvin, Indian Territory, should be continued until October 10, 1906, on which latter date the following proceedings were had.

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This case having been set for hearing on this date at Melvin, Indian Territory, and there being no notary or officer present authorized to administer oaths, it is agreed between the attorney for applicants and the attorney for the Cherokee Nation that the testimony of the witness, Doreas Buffington, be taken, and that the same have the same force and effect as if she had been regularly placed under oath.

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APPEARANCES: (James M. Givens appears on behalf of applicants.
(W. W. Hastings appears on behalf of the Cherokee Nation.

Mr. Givens:

Q What is your name ? A Doreas Buffington.
Q Your post office address is Melvin, Indian Territory ?
A Yes, sir.
Q Are you a Cherokee citizen ? A Why, Yes, sir.
Q How long have you lived in the Cherokee Nation ? A I have been born in the Cherokee Nation.
Q Do you know about how old you were when the war between the north and south in the United States broke out ? I think we started to this country from Tennessee I was 13 years old. My old book had my name in his bible.
Q You were born in the old Cherokee Nation ? A Yes, sir.

Q You were a grown woman then when the war broke out ? A Yes, sir.
Q What was your husband's name who was living when the war broke out ? A Harry Buffington.
Q Do you know Mary Rogers who is an applicant for enrollment as a Cherokee freedman ? A I know the very woman she belonged to. She belonged to old Sarah Raincrow.
Q Who owned Mary Rogers (now Mary Robbins) at the time the war broke out ? A Nancy Benge.
Q Do you know whether Mary Robers (Mary Robbins now) went north during the war and out of the Cherokee Nation ? A Yes, sir, she went up to Fort Scott.
Q Where were you living at that time, what place ? A I went right off of a place we had moved to Illinois down to a Cherokee man's name Oonesoooooo.
Q You were living in the Cherokee Nation then when the war broke out ? A Why, Yes, sir.
Q Are you totally blind now - can you see at all ? A I cannot see one thing what bes in this world.
Q How long have you been blind, about how many years ? A Two years this here last June. In the morning I got up and I was blipd. Going on three years now.
Q You remember when the war was going on between the north and south ? A Yes, sir, I remember it.
Q You remember when the war was over ? A I don't mean the date, but do you remember of hearing when the war was over ? A. Yes, sir.
Q What kin is Mary Robbins to you ? A She is my sister's daughter.
Q Do you know whether or not your husband took any steps to notify Mary Robbins and others to come back after the war was over ? A We sent out word to them particularly because they was my people.
Q Sent them word it was necessary for them to come back ? A Yes, sir, if they wanted a right they better come right away.
Q Do you know when Mary Robbins came back, what time of the year it was ? A No, sir, I don't know.
Q Do you remember whether it was in the fall or in the spring ? A We was gathering in our things we had raised. I believe we had dug potatoes.
Q You had dug your potatoes you think when she came back ? A Yes, sir.
Q Do you dig your potatoes in the fall of the year after they are through growing ? A Yes, sir, after the frost falls on them.
Q When Mary Robbins came back did she go to your house ? A Yes, sir, she came right to my house.
Q Who was with her when she came to your house ? A Cant remember who it was now.
Q Did she have any children when she came back to your house ? A She had a little boy with her.
Q Do you remember his name ? A No, sir, I do not.
Q Now your husband sent word to them up in Kansas that they must come back ? A Yes, sir, if they wanted any right.
Q Do you know whether she came back in time ? A Yes, sir, she came back in time.
Q How can you remember how many crops you had raised after the war was over before Mary Robbins came back ? A Raised a crop this side of Gibson at the Wilkins place there, and then he bought that place where Mary come from here and that made two crops.

Q That was the crop that you raised up here was the crop that you speak of as having gathered your potatoes ? A Yes, sir.

Cross-Examination.

Mr. Hastings:

Q Do you know what year this is ? A This here now ? Why, No, sir.
Q You don't know one year from another ? A I used to. When I had eyes to see I had a better mind then I have got now.
Q You don't know what year then you first saw Mary after the war ? A I don't know.
Q Who did she come back with ? A I don't remember who she did come back with, but I know she come and we were all glad to see her and tell her she got here inside the limit.
Q How long did she stay there ? A She stayed there several months.
Q About how long did she stay there before she went back to Kansas ? A Until after her child was born.
Q What was that child's name that was born there ? A Jim Rogers.
Q Then did she go back to Kansas ? A She went back when she got able - went after the balance of her things.
Q When she come back the next time how many children did she have the second time ? A Went right there and back.
Q How long was she gone ? A She was not gone very long. Now you are questioning me too much. I believe that is another man talking to me.
Q How long was she gone ? A I don't know. You talk to some of the balance 'cause the lawyer sent for me here.
Q I am asking you how long she was gone ? A I don't know how long she was gone.
Q Three or four years ? A No, sir, she went right up there and come back after she got able to go.
Q When did you first see Tosh Rogers ? A I always did know Tosh Rogers ever since she had been living with her.
Q Well Tosh Rogers came back with her the next time ? A Not until she got there - stayed up with the man she is living with.
Q How long after she came before Tosh came ? A It was a good bit before he got off.
Q Did Tosh come with her the second time ? A No, sir, he told me he would be on as quick as he paid Wilson.
Q Now the first time she come did she come with a man by the name of Joe Brown from Gibson Station ? A Joe Brown was my son-in-law. He might have brought her.
Q You recollect the circumstance of her coming the first time ? A I do because we were looking for her.
Q You remember who brought her ? A I don't know who come with her at that time, but I remember something about Joe Brown. He might have brought her. There was no trains running when she come.
Q How did she come from Gibson Station then ? A When she come she didn't come from Gibson Station since I stated about it.
Q Where did she come from ? A From Kansas, Grand Island Ford.
Q Who did she come with ? A I don't know.
Q You have got no idea about that at all ? A No, sir.
Q Did she have any children at all when she come ? A She had a little boy with her.
Q What was his name ? A Tonnie.

Q How old was Tonnie ? A I don't know. I cannot tell you anything about the age of other peoples children.
Q Was Tonnie her child ? A Yes, sir.
Q Called Tonnie Rogers ? A Yes, sir.
Q One of Tosh's children ? A Yes, sir.
Q Don't you know that she went back to Kansas and that she had three children born to her before she returned ? A That is what she says. You know I never went nowhere. I never went to Fort Scott.
Q Was she gone long enough to have three children born to her before she returned ? A Yes, sir.
Q Then she was gone some three or four years before she came back ? A Yes, sir, because the war held four years.
Q I mean after she came the first time before she came the second time ? A Yes, sir, she went right up there and come back.
Q Well it was a very short time between the first time and the second time ? A Yes, sir, she went back after she got better.
Q How long did she stay up here before she went back the second time, a month ? A I don't know. I cannot tell you.
Q What is your best judgment ? A I don't know. I have got tired now. Seem like my first testimony ought to tell the truth to you. If I was educated like you I would ask you some back questions.
Q You don't know who was brought back with her the last time she came ? A She didn't bring nobody with her lessen Toshie come with her.
Q Where did she stay the last time she came back ? A She went over to Sam Cloud's place.
Q Where is that place, auntie ? A Not very far over here up between me and Miss Benge. I am staying with my daughter, and that place I bought it from this same woman here, Miss Benge.
Q Did you and she go over there to live by yourselves ? A Yes, sir.
Q Then Tosh came back with her the last time ? A He might have.
Q Is that your recollection ? A I want to recollect right. I am full as a tick now. You ask me too many questions.
Q Your recollection is not very good, is it ? A No, sir, not now.
Q You don't know when the Wallace roll was made, do you ? A I was at that roll.
Q Do you remember the year ? A No, sir.
Q You don't remember when the Curns-Clifton roll was made, do you ? A No, sir.
Q You don't remember the year do you ? A No, sir, I cannot tell the date of the year.
Q Could you read and write before your eyes went blind ? A No, sir, I went to school with my master's children long time I went to school with them.
Q Can you read and write ? A No, sir, I never could read and write.
Q Now you think that Tosh came back with her the last time she came, do you ? A I think it must have been Tosh.
Q And they lived together down here on the Sam Cloud place ? A Yes, sir.
Q Is that your best recollection ? A Yes, sir.
Q You were a slave before the war yourself ? A Yes, sir.
Q And Mary Robbins is your niece ? A Yes, sir.

Q And you are not certain who brought her back the first time after the war ? A No, sir, I aint certain. I aint certain who come back with her the first time.
Q And you don't know what year it was ? A No, sir.

Witness exeused.

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Wm. L. Martin, stenographer to the Commissioner to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Wm. L. Martin

Subscribed and sworn to before me this the 16th day of October, 1906.

Walter W. Chappell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., OCTOBER 11, 1906.

In the matter of the application for the enrollment of MARY ROBBINS ET AL., as Cherokee Freedmen.

Applicants appear in person and by Attorney, James W. Givens, of Zevley, Givens & Smith:

Cherokee Nation represented by Attorney, W. W. Hastings.

The records of this office show that the Cherokee Freedmen case of James Rogers was, on July 19, 1906 (I.T.D. 7502-1906), remanded to the Commissioner to the Five Civilized Tribes for rehearing and readjudication, to be consolidated with the Cherokee freedmen cases of Mary Robbins et al., Albert Rogers, and Lillie Lowe, et al.; that on August 30, 1906, the applicants, their attorneys and the attorney for the Cherokee Nation were notified that the case would be set for hearing at Muskogee, Indian Territory, on September 27, 1906; that on September 19, 1906 a stipulation between the Attorneys for the applicants and the Attorney for the Cherokee Nation, was filed with the Commissioner, agreeing that said case should be continued until October 11, 1906.

The same being called for hearing on this day, the following proceedings were had:

NANCY BENGE being first duly sworn by Charles E. Webster, testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. My name? My name now-they used to call me Nancy Benge, then they called me Nancy Raper--Benge.
Q. Then your name is Nancy Benge? A. Yes sir.
Q. What is your postoffice address? A. Melvin.
Q. Indian Territory? A. Yes sir.
Q. How old are you? A. Oh, I am old, just see the gray locks on my head.
Q. Well, about how old? A. Well, I could not tell you, sir, but I am old; my boys have all got gray hair too.
Q. Do you remember the war between the North and South? A. This last war? Of course I do.
Q. About how old were you at that time? A. I don't know, I had two children.

Q. Do you know Wagy Robbins here, who is an applicant for enrollment as a citizen of the Cherokee Nation? A. Yes sir, she is a citizen.
Q. State whether or not you are a citizen of the Cherokee Nation.
A. Yes sir, I ought to be, I was born here.
Q. Was Warry Robbins, who used to be Mary Rogers, a slave of yours?
A. Yes sir, she was.
Q. Did you know her at the time the war broke out? A. Yes sir.
Q. Do you know whether or not she left the Territory, or where she was during the war? A. She went north; I dont know where she went.
Q. Do you know Dorcas Buffington? A. Yes sir.
Q. Did she live in the Indian Territory, during the time of the Civil War, the war between the North and South? A. Yes sir she lived in the Territory.
Q. Mrs. Benge, about what distance did she live from you? A. She lived about three or four miles from us. Right there on the Creek.
Q. Do you remember of hearing when the Civil War had closed, that that is that peace had been declared between the North and South.
A. What year it was?
Q. No, I don't mean the date, but do you remember hearing that peace had been declared? A. Yes sir, of course.
Q. Do you remember of hearing at that time that there was a time within which former slaves must return to the Indian Territory?
A. What time?
A. I don't mean the date- but do you remember hearing that there was a time within which former slaves must return to the Cherokee Nation? A. Oh, yes sir, they must come back.
Q. Do you know whether or not Mary Robbins returned to the Indian Territory, after she had been away? A. What year and what month?
Q. No, do you remember that she returned? A. Yes.
Q: Do you know where she returned to, whose house she came to after she came back to the Indian Territory? A: She came to her Aunt's.
Q. Who was her aunt? A. Aunt Darkey Buffington.
Q. Dorcas Buffington? A. Yes sir.
Q. After Mary Robbins came back to her Aunt's state whether or not she came to your house? A. Yes sir she came to my house.
Q. Do you know how long after she came to Dorcas Buffington's she came to your house? A. I expect just about a week.
Q. Do you know what time of the year it was- whether in the spring or summer or fall? A. I think it was in the fall, I suppose it was in the fall- I can't remember good, just like I said to.
Q. Mrs. Benge, did you hear before the return of your former slave, Mary Robbins, or Mary Rogers, that it was necessary that a slave should return within a limited time in order for the former slave to have rights in the Cherokee Nation?
A. Yes sir.
Q. Accordin- to your recollection of what you heard at that time did Mary Robbins return within the time which you understood to be the time within which slaves had to return to the Cherokee Nation?

objected to by representative of the Cherokee Nation, for the reason that it is calling for a conclusion and opinion of the witness on the question which is now being investigated, namely: the date of the return of the principal applicant in this case.
Commissioner: Objection will be noted. Witness will answer.

A. Yes sir.
Q. I believe you stated that Mary Rogers came to see you and told you that she had just returned to Doreas Buffington's? A. She had been there a week before she came to my house to see me, and found me right there where she had left me.
Q. When was the next time you saw her, after the time she came to your house, after she came to Doreas Buffington's?
A. She was just staying with her aunt, Darkey Buffington.
Q. While Mary was staying at Darkey Buffington's, did you see her more times than the time she came over to your house to see you? A. Yes sir, I seed Mary all the time.
Q. Can you remember what year it was that you first saw her after she came back from being away? A. After she was back from away up there?
Q. Yes, ma'am? A. She came back in '66, as near as I can recollect.
Q. Mrs. Benge, what makes you remember that it was in '66?
A. Why, I heard it, everybody was talking about it.
Q. Was this after peace had been declared? A. Yes sir.
Q. Can you remember about how long it was after you heard that peace had been declared between the North and South, it was until you saw Mary Robbins at your house? A. It wasn't long No sir, they was all coming back.
Q. When you say they were all coming back, who is it you mean?
A. Oh, everybody--that went away from the Indian Territory.
Q. You mean Indians and colored people were coming back?
A. Yes sir, all the people.
Q. Mrs. Benge, when you first saw Mary Robbins, after her return you think it was in the fall of the year? A. I guess it was in the fall like, it has been so long I have forget just about that.
Q. What makes you think, Mrs. Benge, that it was in the fall; can you remember whether the crops were gathered when she came back-- is there anything to make you remember whether the crops had been gathered that year when you first saw Mary Robbins after her return? A. No sir, I don't

By Mr. Wootters:

Q. Mrs. Benge, can you read and write? A. No sir, I can not.
Q. Do you know what year the big Cherokee Strip payment was made?
A. No sir, I do not remember anything like that.
Q. Do you know one year from another? A. No sir, I don't really.
Q. You don't know this year from any other year?

A. No sir.
Q. You was over at Melvin yesterday and heard the examination of Doreas Buffington? A. Course I was there, you was over there.
Q. And you heard it? A. Yes sir.
Q. When you testified before the Commission before, at Fort Gibson, April 18, 1908, you did not, at that time, say anything about Mary Robbins coming back to Doreas Buffington's did you? Did you? A. You all didn't ask me that question. You all never mentioned it, any of you.
Q. Did her husband come with her? A. No sir, he never come.
Q. How many children did she bring with her? A. Mary one- only one.
Q. What was its name? A. Tony.
Q. How many years after the war was that? A. When she come?
Q. That is what I asked you? A. Well I couldn't answer that; I don't feel right---

Commissioner:
Just take your time, you are sworn to tell the truth and all the truth; that is all we want, take your time and answer the very best you can, you will not be hurried.

Witness:
I do not like to be cross-questioned, just ask me right straight along and I will answer.

Mr. Hastings:

Q. How many years after the war was that? A. When she came back?
Q. Year? A. What year was it?
Q. How many years after the war? A. It wasn't quite a year, maybe, you see Mr. Hastings, us Cherokees that can't read and write, we don't know things like that, we just know it is day and it is night, and another day, when the chickens crow we know it is pretty near day; just know days and nights.
Q. And that is all you knew about time? A. No, I know something about it, but I don't like to have you cross question me.
Q. Have you been married since the war? A. No sir.
Q. Never have? A. Since the war, you say? Of course I have
Q. How many times? A. I lived with my man until he died, and after he died I never married any more.
Q. When did he die? A. It is me you are trying is it? not her.
Q. I am asking you what year your husband died? A. I don't know what year it was?
Q. Then I understand you do not know one year from another, do you? (Witness does not answer)
Commissioner: Answer his question-Do you know one year from another? A. Of course, I do.

Mr. Hastings:
Q. You do? A. Yes, of course, Lord A'mighty, of course.
Q. Well, can you tell us any year that any per capita payment was made, since the war?

A. That is--I don't understand you.
Q. Can you tell us any year in which a per capita payment was made since the war? A. Well, her trial don't go that far does it?
Q. But I asked you do you know any year that any per capita payment was made? A. But I tell you you don't want to ask me questions about the law, and the old lady and things I don't know anything about.
Q Now , I ask you if you remember an y year in which a Cherokee payment was made since the war? A. No sir, I do not.
Q. How long after Mary came was it you saw her husband, Tosh Rogers? A. Well, I guess about a year, maybe not so long.
Q. Did she stay here all the time after she came down until her husband came? A Yes sir, she was staying with her aunt; I think so, its been so long.
Q. She stayed there with her aunt? A. She stayed at Mrs Buffington's and then she stayed on Mrs. Brewster's place, and she stayed there till her husband come.
Q. And it was not quite a year after she came down until her husband, Tosh Rogers, came? A. May be a year.
Q. And she never went back up to Kansas? A. She went back up and got her things.
Q: How long was she gone? A. She wasn't gone long, a month maybe, Maybe not quite.
Q. You remember now hearing what Dorcas Buffington swore to yesterday, don't you? A. Yes sir, of course, I did, but I couldn't hear good, I could not hear all she said, she talked so low.

MARGARET SANDERS being first duly sworn by Chas. E. Webster, testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. Margaret Sanders.
Q. What is your postoffice? A. Melvin.
Q. Indian Territory? A. Yes sir.
Q. Do you know how old you are? A. No sir, I do not.
Q. Do you remember the time that there was a war between the North and South in the United States? A. I do.
Q. Were you grown at that time? A. I was a young woman.
Q. Do you know Dorcas Buffington? A. Yes sir.
Q. Do you know Mary Robbins? A. Yes sir.
Q. Where were you bonn, in what nation? A. In the Cherokee Nation.
Q. Did you leave the Cherokee Nation during the war between the North and South? A. Yes sir.
Q. Do you know whether Mary Robbins left the Cherokee Nation during the war? A. Yes sir.
Q. Did you see her after she returned? A Yes sir, I seen her shortly after she returned, at her aunt's.
Q. Who was her aunt? A. Darkey Buffington.
Q. Dorcas Buffington? A. Yes sir.

Q. Was that before peace was declared or after peace? A. It was after peace.
Q. Do you remember what time of the year it was that you saw her at her aunt Darkey Buffington's after peace was declared?
A. It was in the fall when I saw her there.
Q. Do you know how long after she returned to the Cherokee Nation it was that you saw her there? A. I had heard of her about a month or two before ever I saw her.
Q. Can you tell how long after peace was declared it was till you saw Mary Rogers at Dorcas Buffington's house in the Cherokee Nation? A. Year, or year and a half, or two years
Q. Are you sure it was in the fall of the year? A. It was in the fall of the year that I saw her.
Q. What makes you think it was the fall of the year; had the crops been gathered? A. They was gathering in crops.
Q. That is what makes you think it was in the fall? A. Yes sir.
Q. At the time that you saw Mary Rogers, whose name is now Mary Robbins, was her husband Tosh Rogers, with her? A. No sir.
Q. Did you know Tosh Rogers? A. Yes sir, I did.
Q. You say she came back to the Indian Territory after peace was declared? A. A good while after she came back.
Q. I said did you ever see him back in the Indian Territory after peace was declared? A. A good while after she came back back
Q. How far was you living from Dorcas Buffington's house at the time you first saw Mary Rogers after she had returned from her absence from the Indian Territory? A. About four or five miles.
Q. Do you know how long Mary Rogers stayed at Dorcas Buffington's house after her return? A. No sir, she stayed there awhile.
Q. Do you know where she went after she left Dorcas Buffington's house? A. I suppose she went on that place of Houston Benge's I won't be certain about that.
Q. Do you know whether after Mary had returned to the Cherokee Nation she ever left the Indian Territory? A. She went away again, I heard.
Q. You do not know that personally? A. Yes, she went away.
Q. You heard about peace being declared between the north and south, did you? A. Yes sir.
Q. State whether or not you heard there was any time given in which former slaves must return to the Nation in order to get their rights as Cherokees. A. I heard there was a time for them to come in. If they didn't they was barred out.
Q. At that time did you know what the time was? A. They was all to come in; they was to come in in '66, I believe.
Q. But shortly after the war, did you knowat that time what the time was? A. Yes sir, I heard everybody talking about it.
Q. And at that time you knew what people said as to the time for mer slaves must come back in order to receive their rights as Cherokees? A. Yes sir.
Q. From your recollection as to that time, did Mary Rogers, or Robbins, return within thek time which you understood to be the time for slaves to return and get their rights?
A. Yes sir, that was it, they said she come in time.
Objected to by representative of the Cherokee Nation, and moved to strike this question and answer from the record, because it is calling for an opinion of the witness.

Objection will be noted.

Q. Do you know James Rogers, the applicant here? A. Yes sir.
Q. Is he a son of Mrx Mary Robbins, also an applicant in this case?
A. Yes sir.
Q. Do you know whether or not James Rogers was born in the Indian Territory? A. He was born up there on the Brewster place.
Q. Is that in the Indian Territory? A. Yes sir.
Q. Cherokee Nation? A. Yes sir.
Q. Do you know whether or not James Rogers was born after Mary Rogers returned to the Cherokee Nation or before she left here?
A. He was born here; she took him back when she went back to Kansas.
Q. My question was, do you know whether James Rogers was born in the Cherokee Nation after the time that Mary Returned to the Cherokee Nation? A. Yes sir, he was born after she came back.

By Mr. Hastings:

Q. Do you know what year this is, Auntie? A. 1906, aint it, you know I can't read, I don't know anything, I am just telling as well as I know, I think it is 1906.
Q. Do you know? A. I tell you what I think.
Q. Can you read or write? A. No.
Q. What year were you married in? A. I don't know anything about dates, and I never married, I just took up with my man and lived with him.
Q. What year was that? A. About twenty years ago.
Q. What year wasit? A. Twenty years ago-over twenty years ago, and I am living with him yet.
Q. Well, what year was it you took up with him? A. I don't know what year it was.
Q: You don't know what year that was? A. No, never paid no attention to that.
Q. How long after Jim Rogers was born before you saw Tosh, his father
A. I don't--pretty near a year, a long time after she came before he come.
Q. You say she went back? A. Yes sir
Q. And stayed until Tosh came? A. No sir, she didn't come with Tosh, left him there.
Q. Who did she come with the first time? A. I don't know, Joe Brown and his wife met her.
Q. At Gibson Station? A. I don't know, I know they brough her in
Q. They had not been gone long, they were just gone a day or two and brought her in? A. Yes sir.
Q. From Gibson Station? A. I don't know, I just knew they met her. I saw them on the road from Wagoner, I met them in the road, they was all walking.
Q. Were they just coming in? A. She was just coming in then, and she went back again.
Q. But this first time, that you met them in the road, she was just coming into the country? A. Yes sir.
Q. And she was with Joe Brown and his wife? A. Yes sir.
Q. And they had been up about Gibsion Station to meet her?
A. There some where.
Q. That was your understanding at that time? A. Over there where Gibson Station is now.
Q. You heard that at the time? A. Yes sir.
Q. How many children did Mary have with her?

A. One boy.
Q. What was his name? A. Tony.
Q. Who did you hear that she went back with, when she went back. to Kansas to where Tosh was? A. I think she went back with a man they called Buck Bushyhead.
Q. Buck lived at Fort Scott Kansas? A. Yes sir. He came in and went back with her.
Q. And when she came in you met Joe Brown and his wife with her in the road? A. Yes sir, they was with her.
Q. You dont know anything about dates and wont swear that? A. Yes sir, I know they said she come in time, in '66, in time.
Q. And you swear to that? A. They said she wasin time, that it was in '66.
Q. About how long did she stay before she went back? A. Nearly two months before she went back, and this boy, Jimmie, was born before she went back.
Q. Were you over at Melvin, yesterday? A. Yes sir.
Q. You heard us question Aunt Dorcas Buffington? A. Yes sir.
Q. You heard all we asked her, and what she said.
A. No sir, I never, I want to tell the truth, myself.
Q. Do you know what year Wallace made a roll? A. I was to the Roll when they made it, but I don't know when it was made.
Q. You don't know what year the Kern-Clifton roll was made? A. No sir.
Q. Do you know any year that you ever drew any money since the war?
Q. I know when they said we was drawing Bread Money.
Q. Do you know what year it was? A. No.
Q. In other words, you remember the circumstances, but not the years? A. Just what I hear people say.
Q. Do you know what year the war closed? A. I know the war held four years.
Q. But you do not know what year it closed in? A. No sir. I aint going to tell anything more than I know.
Q. Have you any children? A. Nary one
Q. Did you ever have any children born to you? A. No sir.
Q. You think it was two or three years after the war that you first saw this woman? A. Not three years.
Q. As many as two ? A. About two years.
Q. About how long after you first saw her until you saw Tosh?
A. She came in here and left him behind.
Q. About how long? A. About a year.
Q. Well, it was about a year from the time when you first saw Mary until Tosh came here? A. Yes sir.

MARY ROBBINS, being first duly sworn by Chas. E. Webster testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. Mary Robbins is my name now.
Q. Who is your husband? A. Heck Robbins.
Q. Were you ever married before you married Heck Robbins?
A. Yes sir.
Q. What was your former husband's name? A. Tosh Rogers.
Q. Where did you marry Tosh Rogers?

A. We lived together here beforethe war, but wex married in Kansas.
Q. Where do you mean by here? A. In the Cherokee Nation.
Q. Did you have any children by Tosh Rogers before the war began?
A. Yes sir, I had one
Q. What was its name? A. ~~Xxxxxxx~~ Tony.
Q. After the war between the North and South began, did you leave the Indian Territory? A. Yes sir.
Q. Before the war were you a slave? A. Yes sir, I was a slave.
Q. To whom did you belong? A. Nancy Benge.
Q. That is the lady who testified here to-day? A. Yes sir
Q. After the beginning of the war did you leave the Cherokee Nation?
A. Yes sir.
Q. Where did you go? A. Went in Fort Scott, Kansas.
Q. At the time you went to Fort Scott, Kansas, did Tosh Rogers, with whom you had been living, go with you? A. Yes sir, he went with me
Q. When you lived in Kansas were you married to Tosh Rogers?
A. After we got there a long time that was a long time.
Q. I asked you if you were married? A. Yes sir.
Q. Where were you married to Tosh Rogers in Kansas? A. Why, in Fort Scott.
Q. Why did you marry? A. Why becuawe we had lived together here so long, and up there they made us marry
Q. After you got to Kansasdid you have any children by Tosh?
A. After who got there?
Q. After you got up there? A. Yes sir, I was ina delicate state when we left here.
Q. How long after you got to Kansas was it that you gave birth to a child? A. About three weeks, I guess.
Q. What was the name of that child? A. Tommie.
Q. How long did he live? A. He lived a week.
Q. Did you have any other children in Kansas besides Tommie?
A. Yes sir.
Q. How many? A. Two more.
Q. What was the name of the first child you had after that time?
A. Emma was the next
Q. How long did Emma live? A. About two weeks.
Q. Was Emma a full birth child? A. No sir, my health was bad, very bad, and I had to work, and I couldn't get along, she was a seven months child.
Q. What was the name of the other child you had in Kansas?A. Tee.
Q. Was that a boy or girl? A. A boy
Q. How long did he live? A. About two weeks.
Q. Was he born in full time? A. No sir, he was an eight months child.
Q. You state that your health was bad at that time? A. Yes sir
Q. Did you do any work in Kansas? A. Yes sir, I worked, I washed all the time I was able.
Q. After you were in the state of Kansas did you ever return to the Cherokee Nation? A. Yes sir.
Q Where did you come back to in the Cherokee Nation.

A. Why to Uncle Harry's right there.
Q. Harry who? A. Harry Buffington, Aunt Dorcas's husband, and Billy Brown went round and told them all to come home.
Q. Why? A. To go home so we would have a right at home, to get back in '66:
Q. Who was Billy Brown, Indian or freedman? A. A freedman.
Q. And you came back to the Cherokee Nation? A. Yes sir, I did
Q: Who came with you, if any one? Joe Brown--Humes, I got in Humes' wagon there.
Q. Was there any one else in Humes' wagon besides Humes?
A. His wife, and there was a good many of them along.
Q. Did you bring your child, Tony, with you? A. Yes sir.
Q. Did you come straight from Kansas to the Cherokee Nation?
A. Yes sir.
Q. Where did you leave Humes' wagon on your way back?
A. Right over where Gibson's station is now, but there wasn't any station there then.
Q. Was there any railroad there at that time? A. No sir, there wasn't any.
Q. After you left Humes' wagon, where did you go?
A. Joe Brown and his wife knowed I was coming and they met me and we walked.
Q. Walked where to? A. To Aunt Dorcas
Q. Aunt Dorcas who? A. Buffington.
Q. Went to her house? A. Yes sir, right to her house.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. How long did you stay at her house? A. I couldn't tell you sir, a while, but it wasn'tsovery long.
Q. Then where did you go? A. Went to Houston Benge's place.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. Then from Houston Benge's place where did you go?
A. To Mrs. Brewster's place.
Q. Do you know James Rogers who is an applicant for citizenship in this case? A. Yes sir, he is my son.
Q. Where was James born? A. Right there in Mrs. Brewster's old log house, and my mother was with me.
Q. Is he a son of Tosh Rogers? A Yes sir, he sure is.
Q. Were you with child when you left Kansas? A. Yes sir, with him:
Q. And James Rogers was born after that? A. Yes sir.
Q. What did you do at Dorcas Buffington's. A. Just helped her round,
Q. After you came back to the Cherokee Nation, in the Indian Territory, did you go to see Nancy Benge, your former mistress?
A. Yes sir, I did.
Q. Can you remember how long you had been back in the Cherokee Nation before you went to see her? A. I don't know, didn't pay no attention to that, just went to see her, we was all glad to see one another.
Q. You do not remember about how long you had been back when you went to see her?
A. Well, let me study over it; I guess I had been back about a week when I went to see her.

Do you remember what time of the year, whether in the spring or summer or fall, it was when you came back to the Cherokee Nation? A. It was in the fall.
Q. How do you know it was in the fall? A. Well the leaves falling off the trees, that's the only way I know.
Q. When you came back to the Cherokee Nation did your husband, Tosh Rogers come with you? A. No sir.
Q. Why did he not come back with you, do you know? A. Why, yes sir, I know why.
Q. Why, A. He had to work to pay his debts.
Q. When you came back to the Cherokee Nation after peace was declared did you bring all your household effects with you?
A. No sir, I did not.
Q. How long was it after the birth of your son James until you returned to the state of Kansas? A. He was old enough to carry around, let's see-- I guess he must have been four or five months old, I guess.
Q. Did you take James Rogers back with you when you went back up to the state of Kansas? A. Yes sir.
Q. Did you take your other son, Tony? A. Yes sir, he went back with me.
Q. For what purpose did you go back to Kansas the second time?
A. I went back after what little I had left up there.
Q. Do you know who went with yu when ye u went back to Kansas the second time, after the effects you had left there?
A. Charley Bushyhead. Buck Bushyhead we always called him.
Q. Was he an Indian or a Freedman? A. He was a mixed blood; had been a slave.
Q. When you went back to Kansas how long did you stay there?
A. About a month I guess, not quite that long, about three weeks.
Q. Did you come back then to the Cherokee Nation in the Indian Territory? A. Yes sir, I come back.
Q. Who came back with you-besides your children? A. Buck Bushyhead
Q. The same man that took you back to Kansas? A. Yes sir.
Q. Did you bring back your household goods? A. Yes sir.
Q. Did your husband come back with you? A. Not that time, he came soon after.
Q. Do you know why he did not come at that time? A. He said he was not through yet.
Q. Was not through what? A. Working-paying his debts.
Q. When you came back from Kansas the second time, where did you come to? A. Back to the old place where we was living.
Q. What place is that? A. The Brewster place.
Q. After you came back to the Brewster place how long did you stay there? A. About a year, I guess.
Q. Then where did you move? A. Yes sir, then we moved to an Indian man's by the name of Sam Cloud, Sam Cloud's place, bought his place.
Q. Did you have any children besides James born to you after you came back to the Cherokee Nation? A. Yes sir.
Q. Name these children- who was the first one? A. Fannie,
Q. Next? A. Albert.
Q. Next? A. Ed.
Q. Next? A. Frank.
Q. Next? A. Lillie.
Q. Is that Lillie Lowe, an applicant in this case? A. Yes sir. All the rest of my children was born right here.
Q. On the Sam Cloud place in the Cherokee Nation? A. Yes sir,

On the Sam Cloud place in the Cherokee Nation.
Q. Do you know when your husband, Tosh Rogers, died? A. I don't know. That girl down there knows better than me when her father died. I never noticed the months, nor neither the years.
Q. What place were you living when Tosh Rogers died?
A. He died right there at Margaret Sanders's house.
Q. Where were you living at that time? On the Sam Cloud place?
A. I was hired out working then; mother was there.
Q. When you went back to the state of Kansas did you go back there to live or for your goods? A No sir, I never went back there to live. My home was here and I knowed it. I just went back after my things that I left.

By Mr. Hastings:

Q. For whom was your husband working in the state of Kansas?
A. He just worked for anybody.
Q. Did he ever work in a stable up there? A. Yes sir, he worked in one stable up there.
Q. What was that man's name? A. I-- I forget now-- I just can't remember.
Q. Wilson? A. No sir, Wilson had another man.
Q. Did not your husband ever work for Wilson? A. A very little. He worked other places.
Q. Do you remember when Wilson's livery stable burned down? A. Yes sir.
Q. You were living in Wilson's house at that time? A. No sir. I don't think so.
Q. You know whether you were living in his house; You know when the stable burned down? A. Yes sir, I guess so, I guess we were.
Q. About two hundred yards from the stable? A. I don't know, sir-- Blair's stable burned down, that is the one I remember.
Q. But Wilson's stable burned down- you remember that? A. Yes sir,-- I don't know, sir--
Q. You were living in one of Wilson's houses? A. I guess so; I don't remember.
Q. Is Fannie older or younger than JIM? A. Who did you say?
Was Fannie older or younger than Jim? A. Younger than Jim.
Q. How much? A: I don't know. I don't know their ages.
Q. Two years? A. I reckon.
Q. Fannie was born in Fort Scott? A. No sir, she was born right here. She wasn't born in Fort Scott.
Q. How did you happen to meet Joe Brown away out on the prairie when there was no place there to meet him? A. There was a path-way there.
Q. Path-way up to Gibson Station? A. There wasn't any Gibson Station there then.
Q. There was. A. There was a road there, and that man that was with us emptied us out there.
Q. Why did you write him to meet you at Gibson Station?
A. Because I was fixing to move home.

Q. How could you designate a place to meet you? A. Why I went from here.
Q. But how could you designate in a letter to Joe Brown, to meet you at Gibson Station? A. Why they written me where to come.
Q. To Gibson Station? A. There wasn't no station there then; there was a road that comes that way. It is named Gibson Station now, but it wasn't named anything then.
Q. If there was nothing there but bald prairie can you explain to the Commissioner how you designated a meeting place, and how you come to select that place? A. Well, anyhow we got there.
Q. How did you designate that meeting place? A. I don't know sir, I can't tell you now anything about that, but I know how we come in a wagon and got out there.

ELIZABETH C. GOODLANDER, witness for the Cherokee Nation, sworn by Chas. E. Webster, testified as follows:

By Mr. Hastings:

Q. What is your name? A. Elizabeth C. Goodlander.
Q. Your postoffice? A. Fort Scott, Kansas.
Q. How long has Fort Scott, Kansas been your postoffice?
A. All my life, fifty-seven years the eleventh of next November.
Q. What was the name of your father? A. H. T. Wilson.
Q. Did he live in Fort Scott, Kansas? A. Yes sir.
Q. Did you know a colored family during and after the war, the head of which was Tosh Rogers? A. Yes sir.
Q. Did you know his wife? A. Yes sir.
Q. What was her name? A. Mary.
Q. About when did you first learn to know this fmily? A. To the best of my remembrance in the year of 1863.
Q. How long did you continue to know them? A. Until November, '72
Q. Had they some children? A. Yes sir.
Q. How many? A. Three to my knowledge.
Q. What were their names? A. Tone, Jimmie and Fannie.
Q. Do you remember whether they were born there? A. It is my impression they were; Fannie was I know, because she was named for my younger sister.
Q. Did this family do any work for your family? A. Yes sir, Tosh was in my father's employ from about '63 until '72, took care of the horses, built fires, worked in the garden some I think.
Q. Did the chores about your father's place? A. Yes sir, what one would expect a man to do around the place. Our house was all heated by grates then and it was more laborious then it is now.
Q. Did his wife live with him all of that time? A. So far as I know.
Q. Did you ever miss her from up there from the time youxx first knew them in '63 until about November, '72? A. No sir, unless she was away for a few days, or something of that kind.
Q. Could she have been away for any length of time without you knowing it?

A. I scarcely think so.
Q. On whose place did they live? A. In a house belonging to my mother; the house was included in the wages that Tosh received.
Q. About how far was that from the house your family occupied
A. Well, I would say about one hundred yards, may have been a little more or a little less.
Q. Did they live there continuously until 1872? A. To the best of my remembrance. That was their home when they left Fort Scott, and had been for a number of years.
Q. Why do you fix November of '72 as the time they left ~~xxx~~ there?
A. Well, I was married in December, '72, and we had a barn burned in November, '72, in which both of our carriage horses were burned up. Tosh had been dismissed, and we had a new man, and unfortunately we had only one key to the barn- when Tosh was there we had two keys, but they put up an extra bar across the door and had only one key, and the horses burned up. It is very plain in my mind that in was in November, 1872, that he was there.
Q. Did Mary do work for your family? A. Once in a while, but not often, because we had good steady help in those days.
Q. You know Fannie, her child, was born there? A. Yes sir, I can swear to that, about Jimmie, I cannot say. I think Tone was their child when they came there. They may have had other children and lost them, but these three are very distinct.
Q. Have you ever seen Mary Rogers since she left there? A. No sir.
Q. I will ask you to see if you can identify this woman here?

Witness to Applicant--Don't you remember me Mary?
Applicant: No, I don't remember you ma'am
Witness: But you remember Fannie, my little sister, don't you, I was Lizzie the dark haired one- youremember me?--

Objected to by Mr. Givens on behalf of applicants, as not proper procedure.

Objection will be noted.

Mr. Hastings:

Q. I will ask you now if you can identify this woman?
A. The height is about all I can remember, she has changed and so have I, she may not remember me.
Mr. Hastings: Oh, she remembers you all right.
Objected to by Mr. Givens,
Q. You say that this family of Tosh and Mary Rogers lived continuously in your father's house up until November, 1872?
A. In my mother's house, not on our place.

Examination by Mr. Givens:

Q. That was inside the corporate limits of the town of Fort Scott, Kansas, was it? A. Yes sir.
Q. Now state what period it was that Tosh Rogers and his wife, Mary Rogers lived in that house, your mother's house?
A. It was, I think, the better part between '63 and '72, it may have been that part of the time they lived some other place; because Tosh came with George J. Clark, but they came to my father's employ afterward.
Q. How old were you in 1861? A. In 1861? Twelve years old in November, that year.
Q. You were fifteen years old then in 1863, if I count correctly?
A. Nine from thirteen--four--I was fourteen.
Q. Are you able to identify this woman? A. No sir, I can not. I would not have been, of course, except that you told me the name.
Q. I ask you, Mrs. Goodlander, if you are able to identify this applicant, Mary Robbins, as the woman who was in your father's employ during the period you mention? A. Not in my father's employ; Mary was not in my father's employ-her husband was.
Q. Are you able to identify this applicant, Mary Robbins as the wife of Tosh Rogers who was in your father's employ?
A. No sir, I am not able to say so from the resemblance.
Q. You know that there was a woman by the name of Mary Rogers who lived there at that time, but you are not able to identify this woman here as that woman who lived there?
A. No sir, I am not.
Q. Did you have other servants in your father's employ from 1863 to 1872? A. Not a man, we had some girls.
Q. Who were they? A. We had two white girls, Mary Humphries and Martha Jones. They both came from out on Drywood, Mary lived with us a little less than eight years and Martha the full eight years, both until they were married.
Q. Do you know when Tosh Rogers left Kansas? A. No I do not.
Q. Is he in Kansas at this time? A. No sir, I don't know
Q. Do you know when he left your father's employ? A. Yes sir.
Q. When? A. In November, 1872.
Q. How do you know it was November, 1872? A. Because I was married in December, 1872, and Tosh had been dismissed at Election time, in November., and as I said the barn burned at that time.
Q. Did you suspect Tosh of being opposed to you in the election?
A. No, but he had been dismissed on account of his conduct.
Q. And was suspected of that, being concerned in that?
A. I may say so we never knew--
Q. How old was Tosh at that time? A. I could not make a guess, colored people are harder to tell than white people, he was older than Mary.
Q. Can you make any estimate as to the age of Mary? A. I could not say, she was older than I I would judge.
Q. And you will be fifty-seven next month? A. Yes sir.
Q. How much older than you would you think? A. I could not say, I would judge her to be six or seven years older than I, but I might be mistaken, I was a young woman, and she was married and had children.
Q. What sort of a looking woman was this Mary Rogers you knew, Can you describe her?

A. She was what I would call a dark mulatto, about the height of this woman here, a spare built woman, that is the best I can tell you.
Q: About what size man was Tosh. A. Taller than Mary.
Q. How much taller? A. I could not say.
Q. Dark or lighter? A. Darker than Mary, more African than Indian.
Q. Did they have Indian blood? A. We supposed they were because they came from the Nation; I don't know.
Q. Your only reason for supposing that he possessed Indian blood was that he came from the Nation? A. Yes sir; I had been used to colored people all my life, I supposed he was mixed Indian because he came from the Nation.
Q. Do you know what became of Tosh? A. No sir.
Q. Do you know what became of Mary? A. No sir.
Q. Do you know what became of their children? A. No sir.
Q. You lost all track of them after your marriage? A. After they left our place.
Q. And they left your place about a month before you were married?
A. Yes sir.
Q. When were you first spoken to as a witness in this case? A. Last Sunday evening, about seven o'clock.
Q. By whom? A. By Mr. Keys, here.
Q. What did he tell you? A. That I was wanted here as a witness in this case-- or as a witness.
Q. Did he tell you what was expected to prove by you? A. No sir.
Q. Did he not tell you what he expected to prove by you, -Did he ask you about this case? A. Yes sir, he w asked me if I remembered Tosh.
Q. And you told h him you would come? A. No sir, I told him I wouldnt
Q. How did you happen to come then? A. I was subpoenaed.
Q. In the state of Kansas? A. Yes sir.
Q. You are here at the expense of the Cherokee Nation?
A. I presume so; at some one's expense not my own.
Q. And you are not able to identify this woman as the woman you knew in Kansas? A. No sir.

By Mr. Hastings:

Q. You do know that the woman you knew in Kansas went by the name of Mary, and that her husband's name was Tosh?
A. I know the woman I kne w in Kansas went by the name of Mary, and her husband was named Tosh Rogers.
Q. You know that they had three children, the oldest Tony? A. Tone.
Q. The next Jim and the third Fannie?

Attorney for applicants objects to questionbecause it is leading and suggests an answer and is not proper direct examination.

Objection will be noted.
A. I can answer that? -- Yes sir.
Q. You do know that they claimed to have come ~~xxxxhaxxx~~ from the Cherokee Nation and to have belonged to Cherokee Indians before the war?

Attorney for applicants objects, because question is leading and is not proper direct examination.

We feel that we are entitled to some protection, Mr. Commissioner. I feel that---

Objection will be noted.

A. I can answer part of that question; that they came from the Cherokee Nation, but as to belonging to Cherokee Indians before the war, I do not know.

Attorney for applicants moves to strike this question from the record because, in addition to his previous objections, it is shown by the witness that she has made no statements, and that there has been no statement, that would warrant this question.

Objection will be noted.

Q Did you ever hear, after they left there, where they went? A. No sir.

By Mr. Givens:

Q. Do you know, Mrs. Goodlander, whether or not the Mary Rogers whom you knew, remained with her husband in the state of Kansas as long as Tosh remained in the employ of your father?
A. To the best of my knowledge I think she did.
Q. But do you know this? A. No sir, I cannot swear to that, to the best of my knowledge she was unless she was a way on a little visit.
Q. Do you know whether or not she was in Kansas at the time your father discharged the man known as Tosh Rogers? A. Yes sir.

MARY ROBBINS,- RECALLED.

By Mr. Hastings:

Q. You can not tell us then, how Joe Brown came to meet you at this particular point?
A. Well, we got a letter to meet us there because that was the road, and we turned off there, there was a path-way from there.
Q. Don't you know that the military road that run from Fort Scott, run right down by Fort Gibson, and not by where Gibson Station is now? A. There wasn't any Gibson station there then, though.
Q. But don't you know the military road run right from Fort Scott to Fort Gibson?AA I do not know.
Q. What year is this? A. I don't know sir; I can't read, and I can't tell what year it is.
Q. You don't read and write? A. No sir.
Q. Do you know one year from another? A. I know when Spring comes, and winter, and then its another year, that's all I know.
Q. Do you know what year Jim was born? A. I couldn't tell you.
Q. Do you know what year Fannie was born? A. They was both born down here,but I couldn't tell you the years. They was both born in The Cherokee Nation.
Q. But you do not know what years? A. No sir, I do not.

Q. Didn't you testify when you were on the stand before that you came back to your old Mistress's Nancy Benge, when you first came?A. I came to Aunt Darkey's and then from there to their house.
Q. Did not you testify before that you came back to your old Mistress? A No sir, I come to Aunt Darkey's
Q. Did not you testify when you was on the stand on April 12, 1901, that you came back to your old Mistress when you first came back after the war?
A. She wasn't living far from there where I come to Aunt Darkeys.
Q. I will ask you if at that time you mentioned Aunt Darkey? A. Yes sir, I suppose so.
Q. I will ask you if when you first made application to be enrolled did you in your entire statement there, make any reference at all to having come back to Dorcas Buffington's, or did you even mention her name? A. Yes sir, I did mention her name, and I stayed there until I moved to Houston Benge's place.
Q. Was Tosh Rogers older or younger than you? A. Why he was younger than me, why I am old I tell you, just look at me.
Q. Was Tosh Rogers younger than you? A. Yes sir.
Q. Was he the same Tosh Rogers that worked for Dr. Adair up around Vinita there? A. He drank so much whiskey was the reason he was broke up so bad.
Q. Was he a slave before the war? A. Yes sir.
Q. Was he a grown man before the war? A. Yes sir.
Q. To whom did he beleng? A. To Isaac Rogers.
Q. About how old were you when the war came up? A. I had a child before the war.
Q. You had a child when the war came up? A. Yes sir, before the war, when the war come up.

By Mr. Givens:

Q. You saw this woman, Mrs. Goodlander, who testified just a few minutes ago? A. Yes sir.
Q. Did you ever work in the house of her father in Fort Scott, Kansas? A. I don't remember it.
Q. Do you ever see this woman before? A.I don't remember ever seeing this woman at all; I am just telling you the truth, sir
Q. Were either your son Jimmie or your daughter Fannie, born in the state of Kansas? A. That was what she said?
Q. I am asking yo u? A. No sir, she was born on that Sam Cloud place, and this here boy here, he was born on Mrs. Brewster's place.
Q. Jim Rogers was born on Mrs. Brewster's place in the Cherokee Nation, and Fannie was born on Sam Cloud's place? A. Yes sir.
Q. Can there bex any question about that? A. No sir.
Q. Do you know where your children were born? A. Yes sir.
Q. This man who is sitting here is that the Jim Rogers you refer to?
A. Yes sir.
Q; Is this woman here Lillie Lowe your daughter? A. Yes sir.
Q. Where was she born? A. She was born on the Sam Cloud place in the Cherokee Nation.
Q. Was there any other Rogers in Fort Scott? A. Yes sir, there was an old man, an old colored man called Rogers.
Q. You do not know what his wife's name was? A. No sir.
Q. You never heard of him having a wife? A. No sir.

By Mr. Hastings:

Q. You testified that your husband, Tosh Rogers, worked for a man by the name of Wilson? A. That was during the war- just a little while.
Q. You testified that he worked for a man by the name of Wilson before this woman took the stand? A. Yes sir.
Q. You testified also that their barn was burned: A. I told you I heard it, heard a barn was burned up.
Q. You testified that it was after this barn was burned that you came to the Cherokee Nation didn't you awhile ago, before Mrs. Goodlander took the stand? A. (No answer)
Q. Didn't you? A. I told you I heard about it.
Q: You said you heard about it before you left up there, before you came to the Cherokee Nation? A. I heard that place burned but I was down here.
Q. When you was down here? . Yes .
Q. You didn't say that awhile ago, did you? A. (No answer)
Q.
Commissioner:- Whose barn was it you heard was burned, now Auntie, you can answer that?

Q. Whose barn was it you heard was burned? A. Old General Blair's.
Q. But you can remember about Mr. Wilson's barn? A. I don't know about that..
Q. You don't remember about Tosh being discharged at Mr. Wilson's and about him being accused of having something to do with the burning of that barn? A. No sir, I never did hear of anything like that. It is the God's truth, nothing about him burning no barn.
Q. Did you hear that the barn was burned? A. Yes sir.
Q: And you heard about the horses being burned up? A. Yes sir, I reckon everybody heard about that, the whole round world.
Q. Did they get the carriage out? A. I don't know.
Q. Did you ever hear anything about that? A. No sir, I did not.
Q. Did you see the carriage after that? A. No sir, I never, I just heard these things .
Q. You just heard them? A. I wasn't there.
Q. Was Tosh there? A. I don't know whether he was or not .
Q. Where was he? A. I don't know.
Q. In whose house were you living up there after the war? Didn't you testify that you lived in this house of Wilson's?
A. After the war?
Q. Yes, before you came down here? A. No.
Q. Just before you came down here? A. In '66?
Q. Just before you came down here? A. We was living in someone's house, I don't recollect who.
Q. Now, I want you to give the name? A. I don't know sir, it has been so long I just forget.

By Mr. Givens:

Q. You said that while you were in Kansas you heard of another Tosh Rogers living in Fort Scott?
A. Yes sir, there was, he stayed with an old man over across Mill Creek.

Mr. Hastings:

Q. But he did not have any wife? A. I never seen any.
Q. And he did not have any children by the names of Tonyx, or Jimmie or Fannie? A. They wasn't born up there.

On Behalf of Commissioner:

Q. Have you some children named James Rogers, Lillie Lowe and Albert Rogers? A. Yes sir.
Q. Are all three of these children living at this time? A. Yes sir.
Q. Are they your only children living now? A. Yes sir, the only children I have living.
Q. Your daughter, Fannie Rogers, had a child named Dollie? A. Yes sir
Q. Is Dollie living? A. Yes sir.
Q. How many children has Dollie got? A. Just one living, one died.
Q. What is the name of the one that died? A. Sherman.
Q. How long has Sherman been dead? A. I don't know. She lives here in this Territory.

LILLIE LOWE being first duly sworn by Chas. E. Webster, testified as follows:

On Behalf of Commissioner:

Q. What is your name? A. Lillie Lowe.
Q. How old are you? A. Thirty-two
Q. Youare one of the applicants in this case? A. Yes sir.
Q. You have a minor child have you? A. Yes sir, two, a little girl and this one here--Willie Joanna.
Q. You have some children, Ransom, Evalina and Bertha, also?
A. Yes sir.
Q. Are they all three living? A. Yes sir.
Q. When was Willie Joanna born? A. The 15th day of July, 1903.
Q. You can read and write can you? A. Yes sir.
Q. When was James Henry, this child here, born? A. The third day of March, 1906.
Q. Are you positive as to the date of his birth? A. Yes sir.
Q. On what day of thw week was it? A. On Thursday, Thursday morning.
Q. You stated to me awhile ago that it was between nine and ten o'clock in the morning, is that correct? A. Ye s sir, between nine and ten in the morning.
Q. Are you positive as to the day of the week? A. Yes sir, it was Thursday.
Q. You know that? A. Yes sir.
Q. Are you quite positive that the child was born on the third day of March? A. Yes sir, on the third day of March.
Q. Well, the calendar shows that the third day of March was Saturday?

A. Well, I may be mistaken. I had the almanac brought to me and put it down. I know it was a Thursday.
Q. You stated awhile ago that you were positive the child was born on Thursday? A. I know it was the third, I thought it was a Thursday.
Q. Who was present at the time of the birth of this child? A. Mamma
Q. Mary Robbins, here? A. Yes sir.

MARY ROBBINS RECALLED:

Q. You are the mother of Lillie Lowe? A. Yes sir.
Q. Were you present when her child, James Henry, was born?
A. I don't know about that; I didn't keep no remembrances of that I can't remember dates.
Q. Do you know what month it was born in? A. In March I think.
Q. Of what year? A. I couldn't tell you at all sir.
Q. Do you know it was March? A. Yes sir, they say its March, well then I can tell its that, you see when anybody cant read they dont know unless somebody tells them.
Q. But do you remember what day of the month this child was born on?
A. No sir, I don't.

LILLIE LOWE RECALLED:

Q. Who else besides your mother was present when this child was born? A. Hannah Anderson.
Q: Was there a doctor waited on you? A. No sir. About Sherman--
Q. Do you know how long this child Sherman, Dollie's child, has been dead? A. Bertha, my little girl will be four years old in March, and Sherman was older than her, he would have been four years old last December.
Q. You made application for the enrollment of your child, James Henry, did you not? A. Yes sir.
Q. Did you know what date a child had to be living to entitle it to enrollment? A. Yes sir.
Q. What day was that? A. The Fifth of July, I believe, wasn't it.
Q. Do you know what day these too late children had to be living to be entitled to enrollment? A. No sir, I don't remember now.
Q. Do you know Mr. Purdy? A. Yes sir.
Q. Is he a colored man or a white man? A. He is a white man.
Q. Do you know where his office is? A. What town?
Q. Yes? A. Bristow.
Q. Is he a Real Estate man? A. He is a Banker; I don't know whether he is a Real Estate man or not.
Q. Did he tell you what day this child was born?A. No sir, he didn't know; he ~~xx~~ asked me.
Q. You say you are positive that this child was born on Thursday?
A. Well, I thought it was on Thursday
Q. Well what do you say about it? A. Why, I- he was born on the Third, since you say that was Saturday, I don't know what day it was.
Q. Why may he not have been born on some other day of the month, and have been born on Thursday, instead of being born on the third of the month and not Thursday.

A. Well, he was born the third day of March, I may have made a mistake in the day, but I know he was born on the third, because I put it on my book at home. I have got all the children's ages down.

JAMES ROGERS, being first duly sworn by Charles E. Webster, testified as follows:

By Mr. Givens:

Q. What is your name? A. James Rogers.
Q. Are you a son of Mary Robbins who testified in this case this afternoon? A. Yes sir.
Q. Are you an applicant for citizenship in the Cherokee Nation?
A: Yes sir
Q. Do you know where you were born? A. Well, I could not tell exactly, but fro m what my mother said I was born on the Mrs. Brewster's place.
Q. In the Cherokee Nation? A. Yes sir.
Q. From the time when you first remember, where were you living?
A. Up on the prairie, on the Sam Cloud place.
Q. In the Cherokee Nation? A Yes sir.
Q. Were you ever in the state of Kansas, so far as you know?
A. No sir, never have been.
Q. Never have been in the state of Kansas? A. No sir

By Mr. Hastings:

Q. You were born since the war? A. Yes sir.
Q. You don't know anything about where you were born except what your parents tell you? A. No sir, of course that's all.
Q. You don't know where you were until you got old enough to remember?
A. Not till I got old enough to remember.

Commissioner:

Q. Where have you lived all your life? A. After I left the Cherokee Nation I lived here in the Creek Nation, over here the other side of the Mission.
Q. Ever live out side of the Indian Territory? A. No sir, never did.

BASS HARLIN, being first duly sworn by Charles E. Webster, testified as follows, on behalf of Cherokee Nation.

By Mr. Hastings:

Q. What is your name? A. Bass Harlin.
Q. What is your postoffice? A. Melvin, I: T:
Q. How old are you? A. I am about sixty-nine years of age this last December
Q. Then you were a grown man when the war come up? A. Yes sir.
Q. How long have you lived in or about Melvin? A. Ever since I was freed.
Q. Are you on the Freedman Roll? A. Yes sir.
Q. How far do you live from Dorcas or Darkey Buffington?

A. About a mile and a half, now where I live.
Q. Have you always lived neighbor to her since the war?
A. Yes sir.
Q. Do you know Mary Robbins? A. Yes sir
Q. Did you know her former husband, Tosh Rogers? A. Yes sir
Q. Do you know her son, James Rogers? A. Yes sir.
Q. Did you know Tosh Rogers and his wife Mary, now Mary Robbins, before the war? A. I knew Tosh, I wasn't acquainted with his wife.
Q. Did not know his wife. A. No not then.
Q. Now, just after the war where did you live? A. Just after the war?
Q. Yes? A. I lived on the old Moore place, about a half a miled from Uncle Harry Buffington and Aunt Dorcas Buffington.
Q. How long did you live within a half mile of the Buffingtons?
Q. Until the next fall. A Year.
Q. Have you always lived in the same neighborhood--within a mile or two? A. Yes sir, always lived right in the neighborhood, right there.
Q. How long was it after the war before you saw Tosh Rogers or his wife, Mary Rogers, at Darcus Buffington's or in that neighborhood? A. Six or seven years. About seven years.
Q. After the war? A. Yes sir, to the best of my knowledge.
Q. Do you know when they first came back there after the war whether or not they had some children? A. When they first came?
Q. Yes? A. Yes sir.
Q. How many children did they have? A. I remember two right at the time I saw them. A sucklin child.
Q. Do you know whether Jim was born then? A. Well it seems to me they had a boy and a girl, and it must have been Jimmie as well as I can remember, I am here to never lie.
Q. Do you recollect the girl's name? A. No sir, I was made acquainted with her at Aunt Darkey's.
Q. Did you hear where they came from? A. They told me they came cfrom Fort Scott.
Q. That was six or seven years after the war? A. Yes sir.
Q. Did you ever hear of them being down there or living down there in that neighborhood, after the war? A. No sir, I didnot.
Q. Did Mary and her husband, Tosh, come there together? A. No sir.
Q. Which came first? A. She came a little first.
Q. About how much before her husband? A. It was as well as I can remember, as well as I can get at it to be staright, two or three weeks maybe, ahead, he come after wards.
Q. Do you know whether they came on the train or not?
A. No sir, I don't know that.
Q. About what aged man was Tosh Rogers when the war came up?
Q. He was an old settle d man; I worked under him at the slaughter pen at Mr. Alberty's putting up beef for the soldiers.
Q. How old do you think he was? A. Forty or fifty years old.

By Mr. Givens:

Q. Where were you born? A. I was born here in the Territory.
Q. Where? A. I was borned on a little creek they call Sallisaw, above Sallisaw Station. My old boss lived up there.
Q. In what Nation is that? A. In Flint.
Q. Flint Nation? A. Cherokee Nation, Flint District.
Q. When were you born? A. Oh, I couldn't answer that.
Q. Don't you know dates? A. No sir.
Q. Do you know when the war broke out, what year that was
A. Sixty-one wasn't it?
Q. You think it was '61 when it borke out? A. You see I never was learned anything like that; I was a slave boy.
Q. Whose slave were you? A. Eli Harlin's, and after he passed away Delilah Harlin's.
Q. Where were you during the war? A. In the Choctaw Nation.
Q. Do you know how long the war lasted? A. Four years.
Q. When did you come back to the Cherokee Nation? After the war?
A. I come right back with her.
Q. How soon after the war? A. Why, just as soon as the treaty was passed, why the old lady told me to hitch up and we come right back up here.
Q. Where did you come to? A. Right back up to the Falls here, and then to Cooweescoowee and then to the old place.
Q. How long did you stay at the Falls? A. About a week, just to rest.
Q. Then up to Cooweescoowee? A. Yes sir.
Q. How long did you stay up there? A. Just left some of the family there.
Q. How long did you stay there? A. About four or five days.
Q. Then where did you go? A. Down on Fourteen Mile Creek, where I am living now.
Q. And you have lived the same place ever since? A. Yes sir, went to work right there.
Q. Do you know Mary Robbins, the applicant here? A. Yes sir.
Q. When did you first become acquainted with her?
A. It was about seven years after I came here that I became acquainted with this woman to the best of my rememberance.
Q. Where was she living then? A. With old mother Darkey. Mrs. Buffington, she made me acquainted with her.
Q. Was there anybody with her? A. She was just sitting down by the fire there witha child; I was there making rails.
Q. How old was the child? A. I don't know sir
Q. A babe? A. Yes sir a baby, she had it in her lap.
Q. Just saw one child? A. Yes sir, she was sitting there by the fire
Q. How many children did she have, if your know, at that time?
A. There was another one they had.
Q. How many children did she have? A. I didn't see but two.
Q. Were they boys or girls? A. I don't know sir, whether the infant was a boy or a girl, I couldn't say.
Q. Did you see any other children besides this infant that she had in her lap? A. I didn't pay any attention. There was a little boy there but I didn't know whether it was hers or not,
Q. You think the boy might have been hers and may have been some one elses? A. Must have been hers--
Q. Why? A. Because you know children live with their mothers.
Q. How old? A. A small boy.

Q. About how old, give your best judgment, according to your best judgment, about how old was this little boy you saw around the house there.
A. I couldn't tell you at all sir.
Q. Was he two years old do you think? A. That's something that I don't want to be called to.
Q. Well, you saw these children? A. Well, I couldn't tell you, Mr.
Q. State whether or not you are able to tell about how old this boy was? A. May have been three or four years old, just a small boy?
Q. May it have been ten years old? A. Three or four years old.
Q. Have you ever been convicted of any crime? A. No sir, I haven't you would find it on the records, and I never have

JOE ROGERS, being sworn by Charles E. Webster, testified on behalf of Cherokee Nation as follows:

By Mr. Hastings:

Q. Your name is Joe Rogers? A. Yes sir.
Q. How old are you A. Sixty-two.
Q. Where were you born? A. On Grand River.
Q. In the Cherokee Nation? A. In the Cherokee Nation, yes sir.
Q. What is your present postoffice address? A. Melvin.
Q. Have you always lived in that neighborhood? A. Ever since the war. I am living about ten miles from where I was born.
Q. Do you know Mary Robbins, whom used to be Mary Rogers?
A. Tosh Rogers family?
A. Yes ? A. Yes sir.
Q. Did you know Tosh? A. Yes sir, I did.
Q. Did you know him before the war? A. Yes sir.
Q. Were you ever with him any before the war? A. Yes sir.
Q. Did you work with him? A. Yes sir. I rode races under him when I was a boy.
Q. Did you know his wife, Mary? A. Yes sir.
Q. Do you know his son, Jim? A. Yes sir.
Q. Where were you living just after the close of the war?
A: After the close of the war?
A. Yes? A. I lived at Fort Gibson a awhile, stayed there with my sister and brother in law, and went from there up on the Grand and stayed up about Eli Spears.
Q. On Fourteen Mile Creek? A. Yes sir.
Q. Do you know Dorcas Buffington? A. Yes sir?
Q. How far did you live from her after the war? A. About three-quarters of a mile, or a mile.
Q. About how long was it after the war before you seen Tosh Rogers or his wife in that neighborhood where Dorcas Buffington lived?
A. The first I remember seeing them was about six or seven years after the war?
Q. Do you know where they came from? A. From Kansas, I guess
Q. Did you hear that at the time?

Objected to by attorney for applicant. Hearsay evidence not competent.

Objection will be noted.

A. Yes sir.
Q. Then you heard they came from Kansas? A. Yes sir
Q. Did they have any children when they came from Kansas?
A. Yes sir.
Q. How many, do you remember? A. I remember there was three or four, they took some off with them and brought some more back with them.
Q. Had one they took off with them? A. Had one they called Tony.
Q. Did they bring him back with them? A. I don't know ; I think they did.
Q. Where was Jim born, do you remember? A. I don't remember that, I don't remember whether he was born on Grand River or in Kansas.
Q. Did he come back with them when they came from Kansas? A. Yes sir
Q. Did they have any others besides Jim at that time? A. Yes sir.
Q. And you think they came back six or seven years after the war?
A. To the best of my knowledge.
Q. You were living right there in the neighborhood? A. Yes sir
Q. You were living about three-quarters of a mile from Aunt Dorcas Buffington? A. Yes sir
Q. You say you knew Tosh Rogers well before the war?
A. Yes sir, knew him ever since I knew anybody.
Q. Was Tosh older or younger than you? A. Lord, yes, he was an older man.
Q. About how old was he when the war come up? A. I couldn't tell, I don't know, if he had gray hairs or not.
Q. Was he a middle aged man? A. Yes sir, he was.
Q. Forty or fifty years of age perhaps? A. Somewheres along there.

By Mr. Givens:

Q. Are you a Cherokee by blood? A. Yes sir, Cherokee by blood and darkey both.
Q. Were you a slave? A. No sir, I wasn't a slave.
Q. You are a mixed blood? A. Yes sir.
Q. What is your name? A. Joe Rogers.
Q. Are you any kin to Tosh Rogers? A. No sir.
Q. Where did you live during the war? A. I lived in the Army. I served in the Thrid Indian Regiment, until they mustered us out in Fort Gibson.
Q. Was your regiment stationed in the Indian Territory? A. Yes sir
Q. Did you ever leave the Indian Territory during the war?
A. I went out with the Army.
Q. When did you come back? A. After the war .
Q. What time after the war? A. I was mustered out at Fort Gibson; come back here in '66 after the war and was mustered out at Fort Gibson. I was taken prisoner during the war, and I come back here and made application for my discharge and was discharged in '66.
Q. At Fort Gibson? A. Yes sir. Q. In '66? A. Yes sir
Q. Do you know what year this is? A. 1906. Aint it?
Q. What did you do when you came back? A. I worked here; worked at the works at Fort Gibson, and drove cattle some and teamed some.
Q. How many years did you live at Fort Gibson after you came back and were mustered out? A. I didn't live at Fort Gibson nary year.
Q. Well, where did you live after you came back? A. On Fourteen Mile Creek.

Q. That is a long creek, to whose place did you come?
A. I come to Kate Knight's some and ~~xx~~ at Watt Bolden's and some at Eli Spears's
Q. Where did Eli Spears live? A. At Melvin.
Q. Now, during what years was it you were in the employ of these people you have mentioned? A. I worked for Kate Knight, I was there in '66 and '67 and I was there in '68, and I taken a wife in '69 and settled in the Nation.
Q. You were married in '69? A. Yes sir.
Q. Where did you live after you were married? A. There about three-quarters of a mile from Dorcas Buffington.
Q. How close to her did you live before you were married?
Q. About two miles where I had been living.
Q. And during that time you were working sometimes in Fort Gibson?
A. I worked around wherever I could get a job; I drove cattle and drove team, I took some jobs from the Sheriff and I made some crops.
Q. You worked about the country wherever you could get employment?
Q. Yes sir, and I worked for the sherrif
Q. Did the Sheriff ever have you in his custody? A. No sir
Q. ~~You were just working for him? A. I would be deputized to do~~ duty as guard, to guard prisoners you know and hunt them up.
Q. Hunt what? A. Why, horse thieves and people doing depredations again the law.
Q. You were doing that before you married, what did you do from '66 to '69, before you got married? A. Well, sir, I have told you just as plain as I can tell you, I can't tell you again?
Q. Why? A. Because its not necessary to do that; I told you once.
Q. Where did you work in '66? A. Why, Mr., I told you.

Commissioner: Answer his question.
A. I did my work in '66 part of the time at Fort Gibson, part of the time on Fourteen Mile creek, and part of the time just wherever I could get a job.
Q. Where did you make a crop after '66? A. I made a crop for Kate Knight.
Q. Where did Kate Knight live, where did you make this crop?
A. Kate Knight lived about a mile and a half from where Melvin is now.
Q. And you made a crop there in '67? A. Yes sir.
Q. In '68 where did you work? A. In '68 I worked, drove team some in '68, drove cattle some in '68.
Q. Where? A. I drove cattle some in '68. In '68 I went with a bunch of cattle from the Choctaw Nation to Springfield, Missouri, working for Mr. Robb here, and I come here that was just before I was married, when I was fixing to take me a woman.

Mr. Hastings: ~~M~~ We ask to stipulate in the record that Gibson Station was the terminus of the M. K. & T. Railroad, and was started about 1871 or 1872. That is an historical fact.

Mr. Givens: I do not know that it was; I am willing to ~~s~~ stipulate whatever it was.

Cherokee Freedmen 389-et al)-#28

JAMES M. KEYS being duly sworn by Charles E. Webster, testified as follows:

By Mr. Hastings:

Q. Your name? A. My name is James M. Keys.
Q. Your postoffice? A. Pryor Creek, Indian Territory.
Q. Your age? A. Sixty-three years.
Q. I will ask you when the town of Gibson Station was started, if you know? A. In 1872.
Q. You have heard the testimony of these witnesses? A Yes sir.
Q. And you know that that is the same Gibson Station to which reference has been made in the testimony? A. Yes sir.
Q. This Gibson Station up here north of Muskogee? A. Yes sir.

By Mr. Givens:

Q. How do you know Gibson Station was started in 1872?
A. I resided at that time about two miles from Gibson Station, and I hauled stone to build the culverts there just north of Gibson Station.
Q. For the M. K. & T. Railroad Company? A. Yes sir. It was in 1871 I hauled the st one there.
Q. Are you one of the attorneys for the Cherokee Nation?
A. No sir, I am special marshall for the Cherokee Nation?
Q You assist in securing witnesses for the Cherokee Nation in these cases? A. Yes sir.
Q. You secured or assisted in securing the witnesses who testified to-day? A. Yes sir.

By agreement between the attorney for the applicants and the attorney for the Cherokee Nation, this case will be closed and a decision rendered on the evidence introduced.

Mr. Givens, attorney for applicants, states that he desires to file a brief in the case, and asks that the usual time be allowed him.

The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

SEAL (SIGNED) Lucy M. Bowman

Subscribed and sworn to before me this 15 day of October, 1906

(SIGNED) B. P. Rasmus
Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Subscribed and sworn to before me this 24 day of October 1906.

Notary Public

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Robbins, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Robbins, et al.....	Cherokee Freedmen	389
Lillie Lowe, et al.....	Cherokee Freedmen	398
Albert Rogers.....	Cherokee Freedman	397
James Rogers.....	Cherokee Freedman	D60

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Mary Robbins for herself and minor grandchild, Dollie Rogers, who, prior to September 1, 1902, was married to one Will Jones, and will now be listed for enrollment as Dollie Jones; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on December 12, 1901, of Sherman Jones, son of the applicant, Dollie Jones; by Lillie Lowe for herself and minor children, Ransom and Evalina Lowe; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on March 29, 1902, of Bertha Lowe, child of the applicant, Lillie Lowe; by Albert Rogers for himself, and by James Rogers for himself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, granting the applications for the enrollment of Mary Robbins, Dollie Jones (Rogers), Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers as Cherokee freedmen, and that their names are included in a partial roll of freedmen citizens of the Cherokee Nation approved by the Secretary of the Interior November 16, 1904, opposite Nos. 3280, 3281, 3282, 3287, 3288, 3289, 3290 and 3284, respectively, and that on June 30, 1906, said Commission rendered its decision herein, denying the said James Rogers the right to enrollment as a Cherokee freedman, which decision was, on same date, duly forwarded the Secretary of the Interior for his review and decision. Thereafter on July 19, 1906 (I.T.D.9862-06, 7302-06), a motion to reopen the case of James Rogers, having been filed in behalf of said applicant, the Department remanded his case to this office with instructions to notify the applicant, James Rogers, that he would be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. Said Department

letter directed this office to consolidate on the rehearing and readjudication of the case of James Rogers, Cherokee freedman D 60, the cases of Mary Robbins, et al., Cherokee freedmen 389, Albert Rogers, Cherokee freedman 397 and Lillie Lowe, et al., Cherokee freedmen 398. Further proceedings in the matter of said application were had at Melvin, Indian Territory, October 10, and at Muskogee, Indian Territory, October 11, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mary Robbins, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., as provided by paragraph two of Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137), for the return of freedmen to said Nation. The evidence further shows that all the other applicants herein are descendants of the said Mary Robbins, born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe, Albert Rogers and James Rogers are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 3 1906

Cherokee Freedman
589.

Muskogee, Indian Territory, September 10,1902.

Dellie Lowe,

Bristow, Indian Territory.

Dear Madam:

The marriage license and certificate forwarded to the Commission showing your marriage on January 19,1902, to Will Jones is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enc.-P-49.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee F-389

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, February 21, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of February 16, asking if the persons listed on Cherokee Freedman Card No. 389 have been scheduled upon the final roll of Cherokee Freedmen, and directing that the jacket and original record in that case be forwarded to the office at Muskogee.

In reply I beg to state that none of the persons listed on Cherokee Freedmen card No. 389 have been scheduled upon the final roll. As directed the original jacket and record is transmitted herewith.

Respectfully,

Clerk in Charge.

Encl-S-99
GRS

Cherokee F-389

Vinita, Indian Territory, March 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of March 7, returning the original jacket and record in the matter of the application of Mary Robbins, et al., for enrollment as Cherokee Freedmen, Cherokee F-389. It is stated that the record is returned that further testimony may be taken.

I have the honor to transmit herewith copy of testimony taken February 2, 1903, in the matter of the application of Mary Robbins, et al., as Cherokee Freedmen.

The jacket in this case is also returned herewith.

Respectfully,

Clerk in Charge.

Encl-S-201

GRS

COPY.

Cherokee Freedmen
#389.

Muskogee, Indian Territory, March 14, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

In accordance with your request of March 4, 1903, there is herewith enclosed to you one copy of the testimony in Cherokee Freedmen case number 389, Mary Robbins, et al.

Respectfully,

Chairman.

Enclosure H. No. 17.

(Copy)

Robbins, Ind. Ter., July 19, 1903.

Hon. Dawes Commission.

Dear Sirs:

I had agreed to let Mr. A. H. Pordy file for me the reason I had made him Power of Attorney to file for me he had my husband in jail and he told me that if I would let him file for me he would pay the cost and have the case thored out and take him out of jail and he has not done as he promised and he was only trying to beat me out of my land and my husband is still in jail and i want you to stop him at once and do not let him file fore me fore i am not willing fore him to file fore me he has not filed or has not pick ed out any land and i want you to notify him at once and tell him that he cannot file fore me fore i am not willing fore him to file fore me and i will do my on filing or put it in the hands of some one else that i know will not beat me out of anything i never would done that but he fooled me and i dont know the Laws as he do and he fooled me but i will do my own filing or make somebody else power of attorney to file fore me so do not let him file fore i have done toled him i would file myself and he said it was all write so do not let him file at all please write and teal me in good satisfaction that he has not got any thing to do with my filing that i can do my own filing answer at once from

Dollie Jones
Ex Dollie Rogers.

Mh
Ans. July 23, 1903.

Cherokee Freedmen
#389 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Mary Robbins, et al., granting the applications for the enrollment of Mary Robbins, Dollie Rogers, Sherman Jones, Albert Rogers, Lillie Ransom, Evalina and Bertha Lowe, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-1.

Commissioner in Charge.

Cherokee Freedmen
#389.

Muskogee, Indian Territory, April 21, 1904.

Mary Robbins,

Melvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself, Dollie Rogers and Sherman Jones as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-10.

Cherokee Freedmen
#389 & #398.

Muskogee, Indian Territory, April 21, 1904.

Louis T. Brown,

Agent for Mary Robbins et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Mary Robbins et al., granting the applications for the enrollment of Mary Robbins, Dollie Rogers, Sherman Jones, Lillie, Ransom, Evalina and Bertha Lowe as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-11.

COPY.

Cherokee Freedmen
No. 389

Muskogee, Indian Territory, September 24, 1904.

A. W. Swett,

Attorney for Dollie Rogers,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 14, 1904, relative to the enrollment of Dollie Rogers as a Cherokee freedman.

In reply you are advised that the name of Dollie Rogers is on straight Freedman card No.389, but it has not yet been placed upon a final schedule of Cherokee freedmen to be forwarded to the Secretary of the Interior for his approval. You are further advised that such action will probably be taken in the near future.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
#389.

Muskogee, Indian Territory, December 29, 1904.

Dollie Jones,

Dallas, Texas.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of December 10, 1904, asking that your citizenship be approved at an early date.

In reply you are advised that the name Dollie Rogers appears upon a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite number 3881.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 30, 1904.

Dollie Jones, (nee Rogers)
Dallas, Texas.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of December 19, 1904, asking that your citizenship be approved at an early date.

In reply you are advised that the name of Dollie Rogers, under which name you applied to the Commission for enrollment, appears upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 14, 1904, opposite number 2281.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233	Mary Harris, et al.,
F-1234	Joseph Curry,
F-1235	Estelle Martin, et al.,
F-1236	Harrison Curry,
F-1237	Elias Coins,
F-1238	Jane Webb,
F-1239	Mary Mabry, et al.,
F-1240	Berry Thompson, et al.,
F-1241	Julia Bush,
F-1242	Georgia Jones, et al.,
F-1243	John H. Bush, et al.,
F-1244	Nathan Jackson, et al.,
F-1245	Martha Greene, et al.,
F-1246	Berry Bush,
F-1247	Emmett Bush,
F-1248	Carrie Harris, et al.,
F-1249	Ella Bunch,
F-1250	Frederick Martin,
F-1251	George Martin, et al.,
F-1252	Sidney Martin,
F-1253	[illegible], et al.,
F-1254	[illegible], et al.,
F-1255	[illegible], et al.,
F-1256	[illegible], et al.,
F-1257	[illegible],
F-1258	[illegible], et al.,

F-1304 ---------- Robert Harper,
F-389 ---------- Mary Robbins, et al.,
F-1414 ---------- Houston West, et al.,
F-1415 ---------- George West, et al.,
F-1416 ---------- Callie S West,
F-1417 ---------- Callie S West,
F-1494 ---------- Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

LS

Commissioner.

Indian Territory, July 14, 1904.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	[redacted] Mary Harris,
3440	[redacted] Irene Harris,
3441	[redacted] Clive Harris,
3442	[redacted] Theta Harris,
3443	[redacted] Joseph Harry,
3444	[redacted] Otselia Martin,
3445	[redacted] Ira Martin,
3446	[redacted] Cecil Martin,
3447	[redacted] Ray Martin,
3448	[redacted] Byron R. Martin,
3449	[redacted] Harrison Harry,
3450	[redacted] Alice Haines,
3451	[redacted] John Webb,
3452	[redacted] Mary Haley,
3453	[redacted] Frank Haley,
3454	[redacted] Dora Thompson,
3455	[redacted] Elmer Thompson,
3456	[redacted] Ben Thompson,
3457	[redacted] Reginald Thompson,
3458	[redacted] Willie Webb,
3459	[redacted] Georgia Jones,
3460	[redacted] John L. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Greems,
3564	Dona Greems,
3565	Peter W. Greems,
3566	Leuretha Greems,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Hamon,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3585	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Wellie Brown,
3592	Rexie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Rena Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
3607	Robert Harper,
3260	Mary Robbins,
3261	Dollie Rogers,
3262	Sherman Jones,
3266	Houston West,
3267	Ida West,
3268	Nancy West,
3269	Fannie West,
3270	Georgie West,
3271	William West,
3272	George West,
3273	George West, Jr.,
3274	Jessie West,
3275	Albertha West,
3276	Callis West,
3277	Callis West,
4079	Henry West,
4080	Callis West, Jr.,
4081	Cornelius West,
4082	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Nellie West,
4086	Walter West,
4087	Sadie West,

Roll No. Name.

4088 ..... Martha West,
4089 ..... Vinita West.

Respectfully,

LS

Commissioner.

D.C.31635

C.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.9862-1905.
7502-1906.
L.R.S.

July 19, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application for the enrollment of James Rogers as a Cherokee freedman, including its decision of the same date, rejecting said application.

The evidence establishes that the applicant, James Rogers, is the adult son of Mary Robbins, formerly Mary Rogers, whose name as Mary Robbins appears opposite No. 3280 upon the roll of Cherokee freedmen approved by the Acting Secretary of the Interior November 16, 1904, and that the applicant, James Rogers, is also a brother to Albert Rogers, whose name appears opposite No. 3286 upon the same roll.

The Acting Commissioner on April 19, 1906, stated to the Department that deeds had not yet been executed and delivered to Mary Robbins and Albert Rogers, whose names appear upon the approved rolls.

James Rogers was born about 1867, as claimed, in the Cherokee Nation, but at what place applicant does not know.

Incorporated with the record is the testimony of Mary Robbins taken in her own application on April 12, 1901, tending to show that she, the mother of James Rogers, returned from Fort Scott, Kans., to the Cherokee Nation, to the home of Nancy Benge, alias Nancy Riley, near Grand River, not x far from Bald Mountain, in the summer of 1866. Other testimony introduced tends to show that Mary Robbins, the mother of applicant, did not return to the locality claimed, in the Cherokee Nation, in the summer of 1866, but that she was first seen in that neighborhood about four years after the close of the civil war.

You are requested to notify the applicant, James Rogers, that he will be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. You are also requested to state in the record whether the name of Mary Robbins, either as Mary Rogers or Mary Robbins, and whether the name of James Rogers or Jim Rogers appear upon any of the tribal rolls in your possession.

You are further requested to incorporate into the record,

if such testimony can be secured, the testimony of Nancy Benge, alias Nancy Riley, taken before the Kerns-Clifton Commission, and also the testimony of Mary Robbins taken before the same commission upon the latter's application for enrollment thereunder.

Upon the present state of the record the Department is unwilling to pass upon the merits of the claim.

The decision of the Commission of June 30, 1905, denying the application of James Rogers for his enrollment as a Cherokee freedman, is hereby set aside, and a rehearing is directed therein.

After the taking of additional testimony to definitely determine whether Mary Robbins, formerly Mary Rogers, the mother of applicant, James Rogers, returned to the Cherokee Nation prior to February 11, 1867, you are requested to readjudicate the application of James Rogers, as well as the applications of Mary Robbins et al., Cherokee freedmen 389; Albert Rogers, Cherokee freedman 397, and Lillie Lowe et al., Cherokee freedmen 398, and said applications are to be consolidated on the rehearing and readjudication. The record is returned.

Respectfully,

(SIGNED) Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee Freedman
389.

Muskogee, Indian Territory, August 2, 1906.

Mary Robbins,

Bristow, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, and ordering a rehearing in said case. The Cherokee freedman cases of yourself, Albert Rogers, No. 397, and Lillie Lowe, et al, No. 398, are also ordered to be reheard and readjudicated with that of James Rogers.

Your attorney, Louis T. Brown, Muskogee, Indian Territory, has this day been requested to advise this office the names and addresses of all witnesses proposed to be introduced in these cases, and upon receipt of such information, the Cherokee Nation will be advised thereof, and a date set for a rehearing in the cases, of which action all parties at interest will be advised.

Respectfully,

Encl. M.A.2-14.

Register

Commissioner.

Cherokee F.
395-397-398.

Muskogee, Indian Territory, August 2, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, in which a rehearing is ordered in the Cherokee freedman cases of Mary Robbins, et al, freedman card No. 396, roll Nos. 3289, 3291 and 3292; Albert Rogers, freedman card No. 397, roll No. 3286; and Lillie Lowe, et al, freedman card No. 398, roll Nos. 3287 to 3290, inclusive.

You are directed to suspend all action looking to the issuance of certificates describing land selected as allotments in the Cherokee Nation for any of these person or the preparation of deeds describing land selected for any of them.

Respectfully,

M.A.

Commissioner.

Cher. F 389,397 &
398, Cher. Freedman
D 60.

Muskogee, Indian Territory, August 2, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a copy of Departmental letter of July 19, 1906, in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, is set aside and a rehearing ordered in said case. A rehearing is also directed in the Cherokee freedman cases of Mary Robbins, et al, No. 389; Albert Rogers, No. 397; and Lillie Lowe, et al, No. 398; said cases to be consolidated with that of James Rogers, and to be readjudicated after the rehearing.

The principal applicants in these cases have this day been notified of the Department's action, and requested to advise this office at the earliest practicable date the names and addresses of the witnesses they propose to introduce in the cases. When this information is received, you will be advised thereof, and a date will be set for a hearing in the cases.

In view of this action by the Department, your motion filed June 25, 1906, for a rehearing in the case of Mary Robbins, et al, and also the motion filed June 16, 1906, for a rehearing in the case of James Rogers, need no further attention.

Respectfully,

M.A. Encl. 2-12.

Commissioner.

Cher. F 369,397 &
394, Cher. Freedmen
D 69.

Muskogee, Indian Territory, August 2, 1906.

Louis T. Brown,

Attorney for Mary Robbins, et al,

Muskogee, Indian Territory.

Dear Sirt

There is enclosed herewith a copy of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 20, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, and ordering a rehearing in his case. The Cherokee freedmen cases of Mary Robbins, et al, No. 369; Albert Rogers, No. 397; and Lillie Lowe, et al, No. 396; are also ordered to be reheard and readjudicated with the case of James Rogers.

You are requested to advise this office at the earliest practicable date the names and addresses of all the witnesses whose testimony you propose to introduce in these cases. Upon receipt of this information the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the cases, of which notice all parties at interest will be advised.

Respectfully,

Encl. E.L.B-H.

Cher. Freed.
3898 et al.

Muskogee, Indian Territory, October 17, 1906.

Zevely, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al.

Complying with your request you are advised that you will be given fifteen days from date hereof within which to file a brief on behalf of applicants in this case, a copy of which you will be required to serve on the attorney for the Cherokee Nation.

Respectfully,

MC - 17 - 1

Commissioner.

Cher. Freed.
3898 et al.

Muskogee, Indian Territory, October 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There are enclosed herewith copies of testimony taken October 10 to 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al. The attorneys for applicants have this day been advised that they will be allowed fifteen days from date hereof within which to file a brief on behalf of applicants, a copy of which they will be required to serve on you.

You are advised that you will be allowed ten days from date of service of the copy of their brief, within which to file a reply.

Respectfully,

WC - 17 - 1

Commissioner.

Cherokee Freed.
389.

Muskogee, Indian Territory, December 3, 1906.

Mary Robbins,

Bristow, Indian Territory,

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting, among others, your application for the enrollment of yourself and grand-daughter, Dollie Jones, and grand-son, Sherman Jones, as Cherokee freedmen.

Your Attorneys, Zevely, Givens & Smith, Muskogee, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.W-5.
S.W.

Acting Commissioner.

Register.

Cherokee Freed.
389, et al.

Muskogee, Indian Territory, December 3, 1906.

Zevely, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.W-9.
S.W.

Acting Commissioner.

Cherokee Freed.
300.

Muskogee, Indian Territory, December 3, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. W-10.
S.W.

Commissioner.

Muskogee, Indian Territory, December 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the consolidated applications for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, refusing the applications for the enrollment of Mary Robbins, Dellie and Sherman Jones, Lillie, Ransom, Evaline and Bertha Lowe, Albert and James Rogers, as Cherokee freedmen.

On July 19, 1906 (I.T.D.9868-1906, 7888-1906), the Department rescinded its decision favorable to the applicants in this case, except James Rogers, and remanded the case to this office for further hearing and readjudication.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Encl. W-11.
S.W.

Land.
10681-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 19, 1906, (I.T.D.9663-1906, 7808-1906), wherein the Department rescinded its decision favorable to the applicants in the Cherokee freedmen enrollment case of Mary Robbins, et al., except as to James Rogers, and remanded the case to the Commissioner to the Five Civilized Tribes for further hearing and re-adjudication, I have the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated December 3, 1906, transmitting the record of the proceedings had in the matter of the consolidated application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Dellie and Sherman Jones, Lillie Ransom, Evelina and Bertha Lowe, and Albert and James Rogers.

On receipt of Departmental letter of July 19, 1906, the applicants herein were notified on August 28, 1906, that further testimony would be taken at the office of the Commissioner on September 27, 1906. By stipulation of the attorneys, this time was further extended to October 25, 1906, at which time further testimony was taken. The testimony of Deanna Baffington, a witness in behalf of the applicants, was taken at Melvin, I.T., on October 29, 1906.

The evidence shows that the principal applicant herein, Mary Robbins, was a slave of a Cherokee citizen at the beginning of the Civil War, and that during the progress of the war she left the Cherokee Nation and went into the State of Kansas and resided for some time at or near Fort Scott. It is further shown that she did not return to the Cherokee Nation until after February 11, 1867. The testimony tends to show that she did not return until about the year 1870, though the exact time is not conclusively shown.

The record further shows that all of the other applicants included in this case are descendants of Mary Robbins, and were born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as descendants of Mary Robbins. None of the applicants can be identified on any of the authenticated rolls of the Cherokee Nation in possession of the Commissioner to the Five Civilized Tribes, except on the Kern-Clifton roll.

Under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L.,495), the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Dallie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evaline Lowe, Bertha Lowe, Albert Rogers, and James Rogers, is correct and it is respectfully recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EVB-SD

Cherokee F.
359.

COPY

Muskogee, Indian Territory, March 21, 1907.

Mary Robbins,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, denying the application for the enrollment of yourself and others, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED

Commissioner.

LMC

Cherokee P.
389

Muskogee, Indian Territory, March 21, 1907.

Zevely, Givens & Smith,

Attorney for Mary Robbins, et al.,

Muskogee, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1905, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-29
1382

Cherokee F.
280.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1905, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Dana Wixl
Commissioner.

Encl.6-20
LMC

Muskogee, Oklahoma, March 10, 1908.

DIRECT

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The United States of America
Ex Rel. Lillie Lowe et al.,

v. Law No. 30255.

James Rudolph Garfield,
Secretary of the Interior.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of departmental letter of February 28, requesting a report in the matter of the enrollment and allotment selections of Lillie, Ransom, Bertha, Evalina, William J. and James H. Lowe, Mary Robbins, Albert Rogers and Dollie and Sherman Jones. This report is desired to cover the following inquiries:

1. Was application ever made to the Commission, or Commissioner, to the Five Civilized Tribes for the enrollment of

William J. and James H. Lowe as citizens of the Cherokee Nation either before or after the Act of April 26, 1906?

2. If there was such application, what disposition was made of same?

3. What evidence, if any, is contained in the records of your office showing that the applicants were notified of the enrollment proceedings in connection with their case had subsequent to the approval of the partial roll of citizens containing their names? If notice was given only to the principal applicants, so state and indicate whom.

4. Have patents been issued or recorded in favor of any of the petitioners? Advise specifically both as to those who have not received title as well as those who have.

5. Who, if any, of the petitioners have received certificates of allotment? State also specifically who have not received such certificates.

6. Have the allotments of any of the petitioners been cancelled and others allowed to file on the land claimed by them? State specifically whether or not, as to each petitioner.

7. On what date, with reference to March 4, 1907 - that is to say before or after - were the names of such of the petitioners as were borne upon the approved roll of November 16, 1904, cancelled therefrom? State also the exact notation enter-

ed upon the roll in connection with each name cancelled.

I am also instructed to guard the property rights, if any, of the petitioners pending the determination of the suit filed by them.

Taking up these inquiries in the order in which they appear, I have the honor to advise that the records of this office disclose the following facts:

1. Application for the enrollment of Willie Joanna Lowe and James Henry Lowe, the minor children of Willie Lowe and Lillie Lowe, was received at this office on June 18, 1906. This application was in the usual form of a birth affidavit, which contained certain errors, and a corrected affidavit, which was requested, was filed on August 20, 1906.

2. On February 23, 1907, the Commissioner to the Five Civilized Tribes rendered his decision refusing this application, copies of which were forwarded the same date to the Department of the Interior, to Willie Lowe, father of the applicants, and to the attorney for the Cherokee Nation.

On March 30, 1907, notices of departmental action approving the decision of the Commissioner to the Five Civilized Tribes, were forwarded to Willie Lowe and to the attorney for the Cherokee Nation.

3. Press and carbon copies of letters are on file in this office showing that on August 2, 1906, Mary Robbins, the

principal applicant in Cherokee freedmen enrollment case No. 389, Albert Rogers, principal applicant in Cherokee freedmen enrollment case No. 397, and Lillie Lowe, principal applicant in Cherokee freedmen case No. 398, were notified by registered mail of the receipt of departmental letter of June 19, 1906, directing that Cherokee freedmen cases of Lillie Lowe, Mary Robbins, et al., No. 389, and Albert Rogers, No. 397, should be reheard and readjudicated. The receipt of these notices is evidenced by the return of the registry receipts. Louis T. Brown, attorney for these applicants, was also notifed on the same date. It also appears from carbon and press copies of letters that Lillie Lowe, Mary Robbins and Albert Rogers were notified by registered mail on August 30, 1906, that they would be permitted to appear before the office of the Commissioner on September 27, 1906, and introduce the testimony of witnesses, whose names had been supplied by their attorneys. On September 22, 1906, the principal applicants and their attorneys were notified that the hearing set for September 27, had, by agreement, been continued to October 11, 1906. On December 3, 1906, the principal applicants in this case and their attorneys were furnished copies of the decision of the Commissioner to the Five Civilized Tribes and advised that said decision had been

transmitted to the Secretary of the Interior for review and decision. On March 21, 1907, the principal applicants were notified that the decision of the Commissioner to the Five Civilised Tribes of December 3, 1906, had been affirmed by the Secretary of the Interior on March 4, 1907. On the same date attorneys for the applicants were furnished copies of the decision referred to. The preparation and transmittal of these notices is evidenced in all cases by press and letter copies of the letters.

4. Allotment selections have been made on behalf of Bertha, Evalina, Ransom and Lillie Lowe, Dollie and Sherman Jones, Mary Robbins and Albert Rogers. No deeds have been issued or recorded in favor of any of these persons. No selections of allotment have been filed on behalf of Willie Joanna or James Henry Lowe.

5. Certificates evidencing the allotment selections of the persons enumerated in the last paragraph have all been issued and none have been returned to this office except allotment certificate No. 35483, issued in the name of Ransom Lowe, describing the NE/4 of the NW/4 and the N/2 of the SE/4 of the NW/4 of section 13, township 20 N., range 16 E. The office has no evidence of the receipt of these certificates by the allottees, but this may be presumed by the fact that they have not

been returned.

6. The allotment selections of all those person above enumerated were cancelled in accordance with departmental instructions of March 16, 1907 (I.T.D. 6902-1907), and land embodied in these selections of Lillie, Ransom, Evalina and Bertha Lowe, Mary Robbins, Sherman Jones and Dollie Jones has been selected by other citizens of the Cherokee Nation. Of the former selection of Albert Rogers, 10 acres, which is the SW/4 of the SW/4 of the NE/4 of section 16, township 22 N., range 17 E., has been filed on, while another part, which is described as Lots 3 and 4 of section 3, township 19 N., range 16 E., has not been filed on by any other citizen.

7. The names of those of petitioners which appear on the approved roll of November 16, 1904, were cancelled therefrom on March 27, 1907, by red ink lines being drawn through each name and the following notation appears in each group of names representing the persons embraced in each separate case:

> "Stricken in accordance with Dept'l decision dated 3/4/07 (I.T.D. 3388)."

The following notation had been previously placed opposite each of said groups of names:

> "Enrollment suspended by Dept'l decision of July 19, 1906 (I.T.D. 7502-06)."

With reference to instructions in Department's letter directing that precautions be taken to guard the property rights,

if any, of these petitioners, I have the honor to invite your attention to the letter of the Department to the Commissioner of Indian Affairs of September 13, 1907, transmitted to this office by the Commissioner on September 19, 1907 (I.T. 76493-1907, File 313), with reference to whether or not any restrictions should be placed upon the allotment of the land formerly held by Sherman Jones, whose case is involved in the matter now under discussion. In this letter the cases of persons stricken from the roll were divided into three classes, the third of which was designated as "Cases reopened, stricken after notice and regular hearing." With reference to this case the Department says:

> "In the third class there was notice, hearing, and final action prior to closing of the rolls against quasi-judicial administrative action. In view of the Department, no question of administrative jurisdiction can in such cases be raised.
>
> In all such cases no reason exists to hold the lands involved suspended from selection by or allotment to other citizens, and to such cases the order of June 14, 1907, will not apply."

If, subsequent to the date of this letter, circumstances have arisen which have rendered it expedient that restrictions shall be placed upon the final allotment of the land formerly held by these persons, I request that I be so advised. In the meantime, the letter of September 13, 1907, being explicit in this matter and the letter of February 28, 1908,

stating merely that "the usual precautions should be taken," no action will be taken by this office with refsrence to placing any restrictions upon the allotment of the lands involved.

Respectfully,

WSDM(LS) Acting Commissioner.

(Copy)

J. W. H.

J. W. H.

D. O. M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

W. C. P.

F. W. L.

March 15, 1909.

The Commissioner to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

There is enclosed herewith for report, to be rendered through the Indian Office, a letter dated January 7, 1909, from Mrs. Dollie Jones, (nee Rogers), relative to the enrollment of herself and her son Sherman Jones as citizens of the Cherokee Nation.

You are requested to prepare your report in accordance with the suggestions contained in departmental letter of February 25, 1909, relative to the cases of Charles F. Burgess, et al.

You are also requested to give Mrs. Jones the information which she desires, if possible for you to do so. It is not entirely clear what she means by her reference to her certificates of allotment; but she should not be led to take any action looking to the surrender of the same until it is entirely clear that she and her son are not entitled to be restored to the status of recognized citizens.

Very respectfully,

Frank Pierce,

(1 encl)

First Assistant Secretary.

No. 340-1909.
Rec'd Mar. 19, 1909.

7196-1909.

Muskogee, Oklahoma, March 20, 1909.

Mrs. Dollie Jones, nee Rogers,

Caswell, Oklahoma.

Madam:

Receipt is acknowledged, by reference from the Department of the Interior, of your letter of January 7, in which you state that you learn that by a decision of the United States Court you and your son, Sherman Jones, have been restored to the rolls of the Cherokee Nation. You ask if any other person has filed on the land that you had filed on and received certificates for; If so, to whom you shall look for pay for the improvements; and in the event you are to keep this land when you will receive your deeds. In the event you do not retain this land you ask when you will be allowed to file on other land.

In reply you are advised that a decision has recently been rendered by the Court of Claims of the United States holding that the action of the Secretary of the Interior in striking certain names from the approved roll of citizens of the Cherokee Nation was erroneous.

The Department of the Interior at this time has under consideration the question of whether your case and that of your son, Sherman Jones, come within the scope of this decision, though the circumstances in your cases and those cases relative to which the decision referred to was rendered are materially different.

In the event that the Department reaches a conclusion favorable to your case, you will be immediately notified of such fact, and that you occupy the same status relative to your rights as a citizen of the Cherokee Nation as that you occupied prior to March 4, 1907, when your name was stricken from the approved roll.

The applications to take allotments in the Cherokee Nation made by you for yourself and your son, Sherman Jones, were cancelled when your names were stricken from the approved roll, and the land has subsequently been selected in allotment for other citizens of the Cherokee Nation. However, no final action has been taken on these selections until it shall have been definitely decided whether your names shall be restored to the roll in accordance with the decision of the Court of Claims referred to, or until the decision shall have been had in the suit entitled "The United States of America ex rel Lillie Lowe, et al., vs. James Rudolph Garfield, Secretary of the Interior",

filed in the Supreme Court of the District of Columbia, to which suit it appears that you and your son are parties.

Respectfully,

Acting Commissioner.

WEDM (LRA)

Muskogee, Oklahoma, March 20, 1909.

Subject:
Inquiry of Dollie Jones relative to resteration to Cherokee roll.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of March 15, enclosing for report to be rendered through the Indian Office a letter of January 7, 1909, from Mrs. Dollie Jones, nee Rogers, relative to the enrollment of herself and her son, Sherman Jones, as citizens of the Cherokee Nation.

I am directed to prepare this report in accordance with the suggestions contained in Departmental letter of February 25, 1909, relative to the cases of Charles F. Burgess and others.

I am also directed to advise Mrs. Jones relative to her inquiry with reference to land to which she holds certificates.

The report desired by the Department is with reference to the statement of Mrs. Jones that she understands a decision has been rendered by the United States Court providing for the resteration of herself and Sherman Jones to the rolls of the Cherokee Nation.

Dollie Rogers and Sherman Jones are listed on Cherokee Freedmen Census Card No. 389, and opposite Nos. 3281 and 3282, respectively, on the approved roll of Cherokee freedmen, the Principal applicant in this case being Mary Robbins.

Following the sequence of the inquiries contained in Departmental letter of February 25, 1909, relative to the cases of Charles F. Burgess, et al., I have the honor to report that Dollie Rogers was enrolled on the Kern & Clifton Roll of Cherokee Freedmen. Sherman Jones being only about nine years of age, his name does not appear upon any of the tribal rolls.

On March 5, 1904, The Commission to the Five Civilized Tribes rendered its decision granting the application for the enrollment of Mary Robbins and others, and in accordance with said decision they were duly enrolled as above indicated.

On June 25, 1906, the attorneys for the Cherokee Nation filed a motion for a rehearing in this case, and on July 19, 1906 (I. T. D. 9869-1905, 7502-1906), the Department of the Interior remanded this case and directed a rehearing therein.

Press and carbon copies of letters on file in this office show that on August 2, 1906, Mary Robbins, the principal applicant in this case, was notified by registered mail of Departmental letter of July 19, 1906, directing that said case be reheard and readjudicated. The receipt of this notice is evidenced by the return of the registry receipt.

It also appears that Louis F. Brown, attorney for the applicants, was notified of this action on the same date.

It is also shown from carbon and press copies of letters that Mary Robbins was notified by registered mail on August 30, 1906, that she would be permitted to appear before the office of the Commissioner on September 27, 1906, and introduce the testimony of witnesses whose names had been supplied by her attorney.

On September 22, 1906, the principal applicants and their attorneys were notified that the hearing set for September 27, 1906, had by agreement been continued to October 11, 1906, and on said date the same was duly heard, applicant appearing in person and by her attorney, James M. Givens.

On December 3, 1906, Mary Robbins and her attorney were furnished copies of the decision of the Commissioner to the Five Civilized Tribes of even date, holding

> ". . . that under the provisions of Section 21 of the Act of Congress approved June 28, 1906 (34 Stats., 495), Mary Robbins, Hallie Jones, Clarence Jones, Lillie Lowe, Ramond Emery Rowland Lowe, Harold Lowe, Albert Rogers and James Rogers are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are respectfully denied."

The notice to Mary Robbins was sent by registered mail, the receipt of which is evidenced by the return of the registry receipt.

Secretary - 4.

On March 4, 1907, said decision was affirmed by the Secretary of the Interior, and in accordance with said decision their names were stricken from the approved roll, notice of which action was given the principal applicants and their attorneys by open mail on March 21, 1907.

There is no record of any application having been made by either of these persons under the Act of June 10, 1896.

Allotment selections had been made for both Dollie Rogers and Sherman Jones and certificates of allotment issued. Upon their names being stricken from the approved roll these selections were cancelled and the land subsequently selected in allotment for certain minor citizens of the Cherokee Nation enrolled under the provisions of the Act of April 26, 1906. In view of the suit involving the validity of the enrollment of this class of citizens, no certificates for the subsequent selections have been issued.

The original record in this case is on file in the office of the Commissioner of Indian Affairs.

The letter of Mrs. Jones is returned herewith, together with a copy of the reply of this office to her.

Respectfully,

WSHM (LBA)

Encl. 80-1.

Acting Commissioner.

Through the Commissioner of Indian Affairs.

Land 1-24353 1 (Copy)
22786-1909
64653-1909
J E D

Enrollment case of
Dollie and Sherman Jones. AUG 18 1909

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of March 15, 1909, relative to the Cherokee enrollment claim of Dollie Jones, nee Rogers, and of her son, Sherman Jones, there are transmitted herewith for your information, letters dated March 20 and August 9, 1909, from the Commissioner to the Five Civilized Tribes in regard thereto.

As these persons are parties in the case of Lillie Lowe, et al, now before the Court of Appeals for the District of Columbia, it is recommended that no action be taken herein by the Department pending final decision by the Courts in the Lowe case above mentioned.

Very respectfully,

AC-14
3974

(Signed) F. H. Abbott,
Acting Commissioner.

Approved: September 2, 1909.
(Signed) Frank Pierce,
Acting Secretary.

Com. to Five Tribes.
No. 1414-1909.
Rec'd Sep. 10, 1909.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft. Gibson, Ind. Ter. April 27th., 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Mary Robbins, et al for the enrollment as Cherokee Freedmen of the Cherokee Nation.

J. T. Faulds
Attorney for Applicant.

Enc. 320 Straight.

March 16, 1905.

Received from the Commission to the Five Civilized Tribes one copy of testimony in the matter of the application of Mary Robbins et al., for enrollment as Freedmen of the Cherokee Nation.

Cherokee Fr. No. ~~[illegible]~~ 389

Louis G. Brown

Atty. for the Applicants.

CHEROKEE FR

IN THE MATTER OF THE APPLICATION OF

Mary Robbins et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original testimony Apl. 13. 1901

Mem. of application, Apl. 13. 1901

Receipt for testimony

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

1/24

DALLAS
FEB 2
8:30PM
1906

Dollie Jones, (nee Rogers)

Dallas, Texas

Cher. Fr. R 1263

Cher. Fr. R. 1263

Trans. from Cher. Fr. 397

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 12, 1901

In the matter of the application of James Rogers for enrollment as a Cherokee Freedman.

James Rogers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. James Rogers.
Q How old are you? A I am 34 years old.
Q What is your post office address? A. Bristow.
Q Where do you reside? A I live in the Creek Nation.
Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes, sir.
Q Is your name on the roll of 1880? A. No, sir.
Q Nor on the roll of 1896? A. Yes, sir.
Q Who do you want to enroll besides yourself? A. Just myself.
Q What was your father's name? A. Toss Rogers.
Q What is your mother's name? A. She used to go by the name of Mary Rohers, but she is Mary Robbins now.

~~The 1880 authenticated roll of Cherokee Freedmen examined and~~ the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant identified thereon.

Q Did you draw strip money? A. They called me Jim Rogers and my name is James Rogers.
Q Did you draw your money with your sisters and brothers? A. Yes, sir.

The Kerns-Clifton pay-roll examined, and the applicant identified thereon, page 185, No. 4550, Tahlequah district, as Jim Rogers.

Q Where were you born? A. I don't know exactly where I was born.
Q. Do you know whether you were born in the Cherokee Nation or not? A Yes, sir, but what place I don't know.
Q Where have you lived all your life? A. I have lived over here up on Grand River before I went to the Creek Nation.
Q You lived in the Cherokee Nation until you went to the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A. About 12 years.
Q What are you doing in the Creek Nation? A. Working around.
Q Are you married? A. Yes sir.
Q. What is your wife's name? A. Eliza Rogers.
Q Is she a Creek citizen? A.Yes sir
Q. You are living there with her? A. Yes, sir.
Q Have you ever applied to the Creek authorities to be enrolled as a Creek citizen? A. No, sir.
Q Have you got any children? A. No, sir.
Q Your wife got any? A.Yes, sir, but they died.

Commissioner Needles: The name of James Rogers is not found upon the authenticated roll of 1880, or the census roll of 1896. It is found on the Kerns-Clifton roll. He avers that he is the child of Tossie Rogers and Mary Rogers, now Mary Robbins, who is enrolled on Cherokee Freedman card No. 389. Reference is made to the testimony of said Mary Robbins before the Commission, given this day. He is duly identified, but avers that he has been a resident of the Creek Nation about 12 years. By reason of that fact and the protest of the Cherokee Nation against his enrollment, his name will be placed upon a doubtful card. Final judgment as to his enrollment will be suspended.

.....

P.L.-2.

Brice C. Jones, being duly sworn, says that as stenographer of the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Brice C. Jones

Sworn to and subscribed before me this the 13th of April, 1901.

(Signed) M. D. Green

SEAL

Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Subscribed and sworn to before me this the 25th of October 1904.

Notary Public.

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE C
FILED
APR 13 1901

File with case of Albert Rogers, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 12, 1901.

In the matter of the application of Mary Robbins for enrollment as a Cherokee Freedman, and one grandchild as a Cherokee Freedman.

Mary Robbins, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Rogers.
Q How old are you? A Near 50 years old.
Q What is your post office? A Melvin.
Q What district is that in? A Tahlequah district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No, sir.
Q Does your name appear upon the rolls of the Cherokee Nation?
A Yes, sir.
Q Who do you desire to enroll besides yourself? A My children.
Q How many children? A Four
Q Give me the names of your children? A James Rogers.
Q How old is he? A About 30.
Q He must come himself; I want to get the names of the younger children under 21 years of age? A I can't just tell you how old they are.
Q What is the next one after James? A Albert.
Q How old is Albert? A He must be about 24 or 25.
Q He must come himself; what is the name after Albert? A Lillie.
Q Is she married? A Yes, sir.
Q She must come herself; what is the next one? A Dollie.
Q Is she married? A No, sir.
Q Is she at home with you? A Yes, sir.
Q Is she about 15? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir..
Q Are you married? A Yes, sir.
Q What is your husband's name? A Heck Robbins.
Q How long have you been living with Heck Robbins? A I can't tell you how long, I don't know how long I have been married; I don't stay there at all, I am backwards and forwards.
Q Been married to him 20 years? A I don't think so.
Q Did you ever go by any other name besides Rogers? A No, sir, just Rogers.
Q What is Dollie's name? A Dollie Rogers.
Q Your name isn't on the roll of 1880? A I don't know.
Q Don't you know that it is not?

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kerns-Clifton pay-roll examined, and the applicants identified thereon as follows:
Mary Rogers on page 153, No. 3308, Tahlequah district.

Q Is you married Robbins why isn't your name Robbins instead of Rogers? A Well sir, you see Rogers was my first husband and my children, these children's father, that is the reason, and I had their name put down here Rogers; that was the reason.
Q Well, after Rogers died you married Robbins, didn't you?
A Yes, sir, but I stayed single for a long time.
Q If you married Robbins, then you ought to be Reggins, oughtn't it?
A Yes, sir.
Q Well your name now ought to be Robbins? A Yes, sir, I guess so.
Q Is your husband living? A Yes, sir.
Q You and him living together? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q What was the name of your owner? A Arly Cochran.

Q Was he a Cherokee Indian? A Yes, sir, a Cherokee full blood.
Q Where were you at the beginning of the big war between the United States and the Confederacy? A Right at home with my mistress.
Q Where did you go during the war? A North.
Q To Kansas or Missouri? A To Fort Scott, Kansas.
Q When did you come back? A I came back in the year 1866.
Q Are you right sure of that? A Yes, sir, to my mistress, my young mistress was the only one living.
Q Is she living now, your young mistress? A Yes, sir.
Q What is her name? A Nancy Riddles some calls her and some calls her Nancy Raper.
Q Do you live close to her now? A Yes, sir, I live way this side.
Q Then you have been living in the Cherokee Nation ever since that?
A I been living in the Cherokee Nation, going backwards and forwards
Q And Dollie is your child by your first husband Rogers? A Yes,sir.
Q Can't you get your old mistress to come here and testify for you?
A Yes, sir, she is here.

Nancy Benge, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sometimes they call me Nancy Riley and Nancy Benge.
Q How old are you? A I must be about 50 or 60.
Q Are you a Cherokee citizen? A Yes, sir, a Cherokee citizen.
Q What is your post office? A Wagoner.
Q Do you know Mary Rogers? A Yes, sir.
Q How long have you known her? A Ever since we were little.
Q Was she a slave? A Yes, sir.
Q Were you her owner? A Yes, sir.
Q Where was Mary Rogers at the close of the war in 1866? A She was right here in 1866; she came here, I know she came in before 1866.
Q Been here ever since? A Yes, sir, but then she went backwards and forwards just like the rest of us.
Q Do you know the reason her name isn't on the roll of 1880; her name isn't on the roll of 1880; do you know the reason? A No,sir; she is a citizen all right enough, she used to belong to us.
Mr. J.S.Davenport, attorney for Cherokee Nation: Did you go north with the applicant here, Mary Rogers, when the party moved out?
A I stayed right at home
Q You didn't go with her when she went north? A No, sir, I never left home.
Q She came back to your house in Tahlequah district some time after the war closed? A Yes, sir, she came on this side the river.
Q Do you know what year she came back? A She came back in 1866.
Q You were before the Commission before, wasn't you, the Kerns Clifton Commission, and testified, about four years ago? A I guess I did.
Q Didn't you say then that she came to your house about three years after the war? A No, I didn't say that.
Q What makes you remember she came back here in 1866? A They all was to come back here in [illegible] time you know.
Q Was that in the summer or fall or winter? A I think it was in the summer, I am not right sure.
Q You are not right sure but what it might have been in 1867?
A No, sir, for we didn't learn nothing then.
Q What part of Tahlequah district were you living in when she came back to you? A Right on the river, and I am there yet, not far from Bald mountain.
Q She went away to Kansas and came back after peace was declared sometime? A Yes, sir.

The Kerns-Clifton pay-roll examined and the applicant, Dollie Rogers identified thereon, Page 133, No. 3311, Tahlequah dist.

M.P.- 2.

Mary Robbins, recalled, testified:

Mr. Davenport: Who did you come back to the Cherokee Nation with after the close of the war? A There was a good many people came, I don't know exactly who they were.

Q You testified before the Kerns Commission as to who you came back with, didn't you; didn't you testify then you came back with Steel Looney? A No, sir, not Steel Looney.

Commissioner Needles: Is Dollie Rogers your child? A Yes, sir, Dollie is my child; it is my grandchild, but I will tell you, she died at the birth and I picked her up before it; her mother, my own little daughter, and I turned in and took her.

Q What was Dollie's mother's name? A Fannie.

Q Is Fannie living? A No, sir, she is dead.

Q Did Fannie she die when Dollie was born? A Yes, sir, she died.

Q Fannie was your child? A My own little child, and she was a Rogers.

Q What was Dollie's father's name? A Atkins.

Q They were not married, were they? A No, sir.

Commissioner Needles: The name of Mary Robbins cannot be found upon the authenticated roll of 1880, and the census roll of 1896. Her name is found upon the Kerns-Clifton roll. She avers that she was a slave and belonged to one Ally Cochran. She was taken out of the Nation during the war between the Confederacy but returned in 1866. Her old owner testified that she was here in the year 1866; that she returned in time. She is duly identified and makes satisfactory proof as to residence. She avers that she has one grandchild, the child of her daughter, now deceased, who is under 21 years of age, and whose name is found upon the Kerns Clifton roll, but cannot be found upon the roll of 1896. Satisfactory proof is made as to her citizenship, and said Mary Robbins and her grandchild, Dollie Rogers, will be listed for enrollment as Cherokee Freedmen.

Comes now the representatives of the Cherokee Nation and protest against the enrollment of the applicants, Mary Rogers and her child, Dollie Rogers, for the reason that her name doesnot appear upon the authenticated roll of 1880.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of April, 1901.

M D Green

Notary Public

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 12, 1901.

In the matter of the application of Albert Rogers for enrollment as a Cherokee Freedman.

Albert Rogers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Albert Rogers.
Q What is your post office address? A Bristow.
Q Over in the Creek Nation? A Yes, sir.
Q What district do you live in? A I live in the Cherokee Nation.
Q Did you ever apply to be enrolled as a freedman of any other nation or tribe? A No, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q You never applied to be enrolled as a freedman of any other tribe? A I don't know, sir.
Q Don't you know whether you ever applied to be enrolled with the Creeks or Chickasaws or Choctaws? A No, sir.
Q How old are you? A 23 years old.
Q Have you been recognized by the Cherokee authorities here as a Freedman? A Yes, sir.
Q Is your name on the rolls of the Cherokee Nation? A Yes, sir.
~~Q What is your father's name? A Tessie Rogers.~~
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Mary Rogers.
Q Is she living? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q You are not married? A No, sir, I am not married.

The 1880 authenticated roll of Cherokee Freedman examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Your name isn't found on the roll of 1880; did you draw strip money? A Yes, sir.

Kerns-Clifton pay-roll examined, and applicant identified thereon, page 13[illegible], No. 5309, Albert Rogers, Tahlequah dist.

Q Where were you born? A I don't know, sir, where I was born.
Q Where have you lived all your life? A I have lived in the Cherokee Nation.
Q You never lived over in the Creek Nation? A No, sir, I have just been going backwards and forwards.
Q You have never married? A No, sir.
Q You make your home with your mother? A Yes, sir, while I am going backwards and forwards.

Commissioner Needles: The name of Albert Rogers is found upon the Kerns-Clifton pay-roll, but is not found upon the roll of 1880 or the census roll of 1896. He avers that he is the son of Mary Rogers, now Robbins, who is enrolled on straight Cherokee Freedman card No. 389. He is duly identified and makes satisfactory proof of residence, and will be listed for enrollment as a Cherokee Freedman.

Now comes the Cherokee representatives and protest against his enrollment, from the fact that his name is not found upon the authenticated roll of 1880, and reference is made herein to the testimony taken in the case of Mary Robbins, on card No. 389.

****

A. [illegible] 2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of April, 1901.

M D Green
Notary Public

Commissioner.

SUPPLEMENTAL: File with C.F. D-60.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 5, 1901.

In the matter of the enrollment of James Rogers as a Cherokee Freedman;
ARCH COCKRUM, being sworn by Commissioner Needles, testified as follows:
Appearances:
J. F. Faulds, for the applicant, as attorney.
L. B. Bell, for the Cherokee Nation.

Com'r Needles: Witnesses sworn and placed under the rule.
TESTIMONY ON PART OF CHEROKEE NATION.
Simon R. Walkingstick, Interpreter.

BY MR. BELL:
Q What is his name? A Arch Cockrum.
Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Wagoner, I. T.
Q Age? A Something over eighty years old.
Q Well tell him we have got the case up here of James Rogers, and I want to make some inquiry of him about him, a colored man?
A Well he asks the question: The one we was talking about?
Q Yes. I want to ask him if he is acquainted with Arley Cockrum?
A Yes sir.
Q Where did she live in her life time? A Just across from Joe French's ferry on Grand River.
Q Did she have a daughter named Nancy? A Yes sir.
Q Now known as Nancy Riddle, or Nancy Benge? A Yes sir.
Q Did this Arley Cockrum or Nancy Benge own a colored woman by the name of Mary? A Yes sir, Ollie owned a colored woman named Mary.
Q Was he acquainted with this woman? A Yes sir, I knew her from when she was so high . (indicating)
Q Did she leave the Cherokee Nation during the war that he knows of? A Yes sir.
Q Did he know about what time she returned to the Cherokee Nation after the war was over? A I couldn't state just exactly the time, but it was something after the expiration of the time in which the Freedmen were to return.
Q I will ask him if he lived in the neighborhood of where Arley and Nancy Benge lived or Nancy Riddle, at tye close of the war? A Yes sir, I lived near them.
Q Well now what years did he live there, that is, where was he the first year after the war closed, that is 1866? A Well just directly after the close of the war I moved up north of the Canadian river and stayed there one summer, and then after I left the Canadian River I moved up here-don't state where,-just above here and stayed there a year and the next year he moved up near where these parties lived, and I had been there about two years when she came there.
Q When she came there,-get that a little more definite? A That colored woman.
Q He said he stayed that summer below here, was that the same summer the war closed, on Canadian? A Yes sir, thatwas the same summer.
Q Then the next summer he farmed above here a few miles? A In the fall I left Canadian down there and moved to my place up here.
Q Well there's where he stayed and made a crop? A I made one crop there and then sold the place and moved up near where I had formerly lived, near my father's.
Q What was it the neighborhood of Arley and how far from there?
A I don't hardly think it was a quarter of a mile.
Q Howlong after he moved up there did he say he thinks it was before they came? A It must have been about 2 years, after I had been there.
Q Well did this Mary, this colored woman, have a husband?

A Yes sir.
Q What was his name? A Tesh was his name.
Q Tesh Rogers? A Yes sir.
Q Did he have any children? A Yes sir they had children.
Q They have a boy? A Yes sir, the oldest one was a boy
Q What was his name? A James.
BY 'R. FAULDS:
Q Immediately after the war closed you moved away from the place where Nancy Benge or Nancy Riddle was living? A No sir, he didn't state anything definitely; he just says he lived up here.
Q He said he moved a way some place, how far did you go away from where this Nancy Benge lived, you said you moved on the Canadian didn't you, north of the Canadian? A Well I moved just about three miles north of this place north of Fort Gibson after living on Canadian River.
Q Well when did he go to the Canadian River? A I had come from Red River just directly after the close of the war and was on my way home.
Q I don't think he understands my question; I want to know if he was living in the neighborhood of this Nancy Benge of Nancy Riddle whatever her name is, right after the close of the war, for a year or so afterwards; if he wasn't living there where was he living? A I was south when the war closed.
Q When did he come back here? A As I stated, when I left south I came to the Canadian River and stayed there one summer, immediately after the war.
Q Would that be the summer of '65? A Perhaps so, I don't know.
Q Now where was he the next summer after that; that is, the year after the war was over? A At the place I stated, three miles north of Fort Gibson.
Q How far is that from where Nancy Benge was living at that time? A About three miles.
Q Now how long did you stay there at this place three miles north of Fort Gibson? A Just one year .
Q Then where did you go? A I moved to near where Nancy Benge lived
Q That would be about three years after the war? A Yes sir.
Q Now do you know where Mary Rogers went when the war broke out? A She went north.
Q To Fort Scott, Kansas? A I suppose so.
Q Now, ask him if he is prepared to dispute the word of Nancy Benge when she swears that this Mary Rogers came back in 1866, and was there from time to time? A Yes sir, I am prepared to say that; I know what I am talking about.
Q Are you prepared to swear that Mary Benge could not have come to this Cherokee Nation unless you saw her and knew her at the time she came ? A Well, when she first came I was on the river and I saw her come across the stream.
Q But do you pretend to swear that she wasn't in this country before that, couldn't she have come here to this country when you were down on the Canadian River, come here and stayed a while and gone back again, as Nancy Benge says? A I don't know whether she had been here before that time or not; if she had been I couldn't state whether she had or not.
Q All you can state is the first time you saw her in the Cherokee Nation is when you were living up there by Nancy Benge two or three or four years after the war? A Yes .
Q She might have been here several times before that without your seeing her? A Yes sir, that's true.

GEE DICK, being sworn by Commissioner Needles, testified as follows:
BY MR. BELL: (Simon R. Walkingstick, interpreter)
Q Ask him his name? A Gee Dick.
Q How old is he? A Well I was two or three years old when the Cherokees came here in 1838.

James Rogers 3 sup'l

Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Melvin.
Q Was he in the country in 1866, the year after the war closed? A Yes sir.
Q Was he acquainted with Arley Cockrum? A Yes sir, I knew her.
Q Did she have a daughter named Nancy, somtimes known now as Nancy Riddle or Nancy Benge? A Yes sir.
Q Did he live anyways near them before the war? A No sir, I didn't live near them until after the war.
Q Well how near them did he live in 1866? A Just about a mile.
Q He don't know then whether they had a colored woman by the name of Mary? A Yes, I used to go through the country there quite often, and I knew they owned a colored woman named Mary.
Q Has he seen this colored woman since the war? A Yes sir, I saw her sometime afterwards.
Q Well when was the first time when he saw her there after the war at this Nancy or Arley's house? A Why it was something after the year 1870.
Q Where did he see her at? A I saw her at her house.
Q At thewoman's own house? A Yes sir, where she was living with a man named Tosh Rogers.
Q How far is that from Nancy or Arley Cockrum? A They lived just about a quarter of a mile or it might have been as far as a half a mile.
Q Was it on the same place, or did she have a little place of their own? A They were living in a rented house.
Q Now how long had he been living there in a mile of Arley Cockrum's when he first saw this Tosh Rogers and his wife, or this Mary Rogers and her husband come there? A I had been there about 5 years.
After I was mustered out at this place I went direct from here there in that neighborhood.
Q During all that time he never saw nothing of these folks until 1870? A
MR. FAULDS: That is a leading question.
A Yes sir, that's the first time I saw them.
Q Was he intimately acquainted with these folks, this Arley Cockrum, and about their house much, neighbors? A Yes sir, I would often go there and became quite well acquainted with them.
Q Does he know whether this Nancy went up North or not, this girl, daughter of Arley? A She remained in the country.
BY MR. FAULDS:
Q All you know is that the first time you saw this Mary Rogers after the war was at this Nancy Benge? A As I stated, that was about the first time I saw her, and was along about the year 1870, or thereabouts.
Q You can't dispute the word of Nancy Benge when she swears she saw her in 1866 or before that? A I am not prepared to dispute the statement of Nancy Benge, but she wasn't in the country in the year 1866, this Mary wasn't in the country in the year 1866.
Q Couldn't she have been here without your seeing her; did you keep track of all the colored people here at that time? A No sir, I think not, because when she came to the country she came direct to that place, they said she had just come in.
Q She could have come in this country in 1866 and have gone backwards and forwards ever since, couldn't she, without your having seenher at all up until the time you speak of? A I don't think she could have come without me seeing her.
Q Well suppose she came to Webbers Falls, would you have been sure to have seen her? A There would be no reason for her to come way down there, she was in Fort Scott, Kansas.
Q Tell him to answer my question; were you looking for her from the close of the war right on up until you found her? A No sir, I was not looking for her at all; I would hear of her though.

Q When did you first know her? A Well it was along after 1870 that I became acquainted with her.
Q Never saw her until 1870? A Nosir.
Q Didn't know anything about her? A I had only heard that they owned a slave by that name.
Q Now you want to swear that she couldn't have been in any spot or hole or corner in this Cherokee Nation throughout the whole length and breadth of it unless you had been right there and put your eyes right on her? A No, I couldn't have seen her if she had come to some other part of the Cherokee Nation than up there, I couldn't have seen her because I can't see very far.
Q Is your eye sight poor? A (Not interpreted by interpreter.)

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn tobefore me this September 20th, 1901.

(Signed) C. R. Breckinridge.

Commissioner.

(This test in Ch.by hld b'k #51-stenog.)

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, ~~xxxx~~ she made the above and foregoing copy and that the same is a full, true, and correct copy of the original testimony now on file in this office.

Minnie M. Doace

ubscribed and sworn to before me this October 26, 1906.

John E. Tidwell
Notary Public.

DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I. T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JAMES ROGERS as Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
W. W. Hastings, of Counsel for Cherokee Nation.
J. F. Faulds, Attorney for applicant.

COLUMBUS BALDRIDGE, being duly sworn, testified as follows:
Examination conducted through Interpreter Simon R. Walkingstick.
Mr. HastingsWhat is your name? A Columbus Baldridge.
Q What is your age? A 59.
Q Where do you live? A I live in Tahlequah district/
Q Are you a full blood Cherokee Nation? A Yes, sir.
Q What part of Tahlequah district do you live in? A It is near the Grand river between that and where the Fourteen Mile Creek emptys into the river.
Q How far is that from Melvin post offide? A About seven, or probably eight miles from there.
Q You live between Wagoner and Melvin then on the grand river? A Yes, sir.
Q Did you know Arlie Cochran before the war? Yes, sir.
Q Was Arlie Cochran a man or woman? A Woman.
Q Did she own a slave by the name of Mary? A Yes, sir.
Q How far do you live from Arlie Cochran? A About a mile and a half.
Q Did you know a child of Mary's by the name of Jim? A Yes, sir.
Q Did you know where Mary, the mother of Jim, went during the war? A Yes, sir, she went North at the commencement of the war.
Q Ask him if he saw her up there? A Yes sir.
Q Where? A Fort Scott.
Q Did you know her up there? A Yes, sir, I was at her house about a week.
Q When was that? A In September, 1866.
Q Was she in Fort Scott at that time? A Yes, sir, she was living thgre.
Q Where did you go from Fort Scott? A I had left; I had gone there from this country with some cattle man, drove some cattle up beyond Fort Scott and I came through there on my way back.
Q Did he come on back to the Cherokee Nation after that? A Yes, sir.
Q Well, where did he locate then in the fall of '66 after he came back from Kansas? A I came to where my father lived near where my father now lives.
Q Was that in Tahlequah district? A Yes, sir.
Q How far from Grand river? A About a mile or hardly so far.
Q Now, when did you next see this woman, Mary Rogers? A About four years after that.
Q Where did he see her? A She moved near where I lived at that time; she rented a house near there.
Q Did you know where she moved from? A No, I could not state positively, but they stated that they had come from up that way, that they had just come.
Q Up from what way? A I just asked them the question if they had just now come and they said yes; I don't remember asking them if they had come from Fort Scott direct there.
Q You had seen the family in Fort Scott before? A Yes, sir.
Q And was this the next time you saw them? A Yes, sir.
Q Well, had you lived over there in that neighborhood all the time from '66 up to this time when you saw them? A Yes, sir; I had lived there all that time.

Q How far from you did they locate when they first came in?
A They first moved in about a mile from us and then after they left that place they moved in one of my houses.
Q You know them well then? A Yes, sir.
Q Did this woman, Mary, have any children when she moved down there, that you just now talked about? A Yes, she had two very nearly gown, a boy and a girl and small boy so high(indicating), the third one.
Q How long did they live there? A I could not state just the length of time they lived there, but they lived theresometime.
Q XWell, about how long? A About ten years I suppose, probably not so long, might have been just about eight
Q Do you know where this boy or man and his mother then went; where they went from there? A One of the boys left first me and then sometime after that their mother left and went to the Creek Nation.
Q Where have they been living since that time? A The next time I saw this woman was at this place about a year ago; she told me at that time that she was living in the Creek Nation.
Q Do you know where she is living now? A No, I haven't heard.
Q Is she living up in your neighbor hood? A No, sir, the last time I have seen her was when I saw her here about a year ago.
Q Did you know what this Mary's english name was, and what Jim's name was, what they go by? A Her husband's name was Toss.
Q You don't know what the other part of it? A No, sir, I don't know.
Q Is this the same Toss who worked up there at Tahlequah for Dr. Adair in a livery stable and wore a cap on his belt? A That is the same man.
Q Well, did Arlie Cochran own one woman by the name of Mary?
A Yes, sir.
Q Did he say just one or more than one? A Just one I think.
Q Well, ask him if her name was Mary Rogers; if he ever heard her called Mary Rogers? A Yes, sir, that was her name, surname was Rogers, surname of her husband.
Q Did you ever hear Jim called by the name of Rogers? A I don't remember hearing his surname I suppose that was his name.
BY MR. FAULDS: Ask him if he knows Nancy Benge, sometimes called Nancy Riley? A Yes, sir, I know her.
Q Where is she living? A She lives about seven miles up the river from where I live.
Q How long has she been living there? A She has been there about ten or twelve years.
Q Where did she live before that? A She lived near me there.
Q How far from you? A Just a little over a mile, I think.
Q Was she living there in '66? A Yes, she was living there, she was living with her mother at that time.
Q What was her mother's name? A Ollie.
Q Ollie Cochran? A Yes, that was her name.
Q Then This Nancy Benge or Nancy Riley, was the Mistressof this Mary Rogers? A No; well, I could not say positively it was either her mother, Nancy's mother, or Nancy herself, I don't know exactly.
Q Ask him if he is prepared to dispute Nancy Benge when she swears she is the owner of Nancy Rogers? A I have stated that I don't know positively which one of these women owned Mary, but they belonged either to the mother or to the daughter, Nancy.
Q You can't swear that Mary Rogers didn't come to this Cherokee Nation in '66? A All that I can state is that I saw her the second time after seeing her in Fort Scott; that is I saw her move to near where I live.
Q Can you dispute this Nancy Benge when she swears she came here in 1866 and went backwards and forwards like therest of us?

A Well, I hadn't made any inquiries as to where she may have come before that t ime, but then I was just stating the different times I have seen her, once in Fort Scott, and the next time over near where I lived something like four years afterwards.
Q Well, she might have been just visiting at Fort Scott or staying there for a short length of time when you saw her? A It didn't appear as they just there temporarily, because she had her household effects there and seemed to be living at home.
Q Did you stay there over night with her? A Yes, sir, I stayed with her a week.
Q How many times did you visit her there while she lived there?
A That is all, just this one week that I speak about.
Q That is the only time you were at their place in Fort Scott, Kansas? A Yes, sir.
Q And what year did you saw that was? A It was in September, 1866.
Q That was the time you stayed there a week you say? A Yes, sir.
Q And that was the only time you ever were there? A Yes, sir.
Q Well, then she could have easily come down here in the Cherokee Nation between that and January, '67, without you knowing it?
Mr. Hastings: Come now the atterney for the Cherokee Nation and object to that bx because it is a conclusion for the Commission to draw.
Mr. Faulds: The attorney for the applicant states that this witness is positive in regard to his statements and ought to be allowed to say whether or not this woman could have returned here in the fall of '66 or in the winter without him knowing it.
A Yes, that is so; she may have come between those dates and I would not know it.
Q You would not like to dispute Nancy Benge when she swears positively that Mary Rogers came back here to the Cherokee Nation in '66? A Well, I m under oath to make a statement in regard to this case and I am simply stating what I know.
Q Ask him if he can write and read? A No, sir, not in elgnish.
Q Can you read and write Cherokee? A Yes, sir.
Q What year were you born in? A We have lost the family record during xkt the war; my age is 59.
Q Well, what year did the war between the United States and the Confederacy begin? A I was mustered into the service on July 11, 1862.
Q You don't know what year the war begin? A It must have been in the year 1862a
Q Now, ask him when peace was declared? A In 1865.
Q How long after that did you see Mary Rogers, in Fort Scott, Kansas? A The time I saw her was in the year 1866.
Q You never saw her in Fort Scott, Kansas, after the year '66?
A No, sir, I didn't see her any more until I saw her four years after.
Q Where were these people living at that time, four years afterward, in the Cherokee Nation? A As I stated they rented a house near where I lived, and then afterwards they rented my house.
Q Wh at year was it then rented your house? A I could not state the year; I don't know.
Q You have no idea what year it was? A No, sir.
Q Do you know what year you were married in? A It was about two years after the war closed.
Q Well, what year was it? A I am not able to state.
Q Now, how is it you can state the year and month when you saw this woman in Fort Scott, Kansas, and you can't state the year you were married in, and the year Mary Rogers went in this house of yours, or the year the war begin; how is it that date in '66 fixes itself upon your memory and the other dates do not?

A I have a memorandum of the time I was up there.
Q Have you got your memorandum here? A No, sir, not with me
Q Where is it? A It is at home.
Q Have you got a memorandum of the date when you were married?
A Yes, I have a memorandum of that.
Q How many times have you gone out of the Cherokee Nation in your life, since the war began? A That is the only time, just this time I speak of going with cattle
Q When did you make your memorandum? A At tha time I was up there.
Q What did you make it in, a book? A Just on a piece of paper.
Q How many sheets had the piece of paper? A Just one sheet.
Q Then you have kept that sheet ever since? A Yes, sir.
Q And there is nothing on that she et just 1866, is that so?
A Yes, that is on there.
Q Is there anything else on there? A Well thereis two or three things on the memoranda, shewing the time I left there with the cattle men and when I was up there and for what purpose I was up there.
Q Was that writing in Cherokee or english? A It is in Cherokee.
Q Well, where have you kept that memorandum, carried it around with you ever since? A Well, it has just been laid away at home.
Q Why didn't it get burned up with the other papers, the record of your birth? A I didn't state that I had anything burned.
Q I thought you said the record of your birth was lost, destroyed?
A Well, that was in the possession of my parents, they lost it.
Q Well, now what did you make this memorandum for, what was the purpose of your making it? A Just for my own benefit, I didn't think it would be of any value to anyone else, just for my own use.
Q Well, the only way you know that Mary Rogers was in Fort Scott, Kansas, in '66 was by this memorandum? A Yes, sir.
Q The reason I know it was in that year and in September, 1866, was the fact I made this memorandum at the time I was up there.
Q If you hadn't made your memorandum you would not have known anything about it? A (No response)
Q Did you remember the year or about the time when they went away from the Cherokee Nation to the Creek Nation? A No, I could not state the year they left the Cherokee Nation, but they lived around near me there for several years.
Q Is your wife living now? A Yes, sir.

Mr. Hastings: The Cherokee Nation desires to give notice to the attorney for Applicant that additional testimony will be offered in this case on Saturday, September 13th, between the hours of eight o'clock, A.M?, and five O'clock, P.M. at Fort Gibson.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his steno graphic notes thereof.

(SIGNED) J. O. Rosson

Subscribed and sworn to before me this 9th day of September, 1901

(Signed) T. B. Needles

Commissioner.

C.J.D. #60-E

[illegible] affidavit [illegible] statement [illegible] to the Fort [illegible] Tribes. [illegible] made [illegible] and that the same is [illegible] true and correct copy of the [illegible] now on file in this office.

[illegible]

Subscribed and sworn to before me this [illegible] of October, 1960.

[illegible]

AAR.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 2nd, 1903.

In the matter of the application of Albert Rogers for the enrollment of himself as a Cherokee Freedman. } Cherokee F-397.

Albert Rogers, being duly sworn, testified as follows:

Examination by the Commission.

Q. Your name is Albert Rogers? A. Albert Rogers.
Q. How old are you? A. I don't know, sir, how old I am.
Q. About 25? Do you think that is about right? A. Yes, I guess so.
Q. What is your post office address, Bristow? A. Yes, sir.
Q. Are you living with your step father Robbins?
A. No, sir.
Q. What is your father's name? A. Tosh Rogers.
Q. What is your mother's name? A. Mary Rogers.
Q. Now Mary Robbins? A. Yes, sir.
Q. That is your mother that was in here a while ago?
A. Yes, sir.
Q. You are claiming your rights of citizenship through your mother Mary, are you? A. Yes, sir.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. Where were you born? A. I don't know, sir; where I was born, I was small you see.
Q. You were small then? A. Yes, sir.
Q. Born on Grand river, were you; do you know? A. No, sir; I don't know.
Q. Where were you living the very first you can remember?
A. Fort Gibson.
Q. You aren't living with your mother, are you?
A. Yes, sir.
Q. Have you lived in the Cherokee Nation all your life?
A. Yes, sir.
Q. Are you married? A. No, sir.
Q. You don't remember when your father died? A. No, sir.
Q. Has your mother always lived here as long as you can remember? A. No, sir.
Q. Where has she been living? A. She has been living to Fort Gibson.
Q. Ever since you can remember? A. Yes, sir; ever since I been remembering.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 24. day of April, 1903.

Samuel Foreman

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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Melvin, Indian Territory, October 10, 1906.

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In the matter of the application for the enrollment, as Cherokee freedmen, of Mary Robbins et al., consolidating the applications of James Rogers D-60, Mary Robbins et al. 389, Albert Rogers 397 and Lillie Lowe et al. 398, the records of this office show that on July 19, 1906, there was remanded to it for rehearing and readjudication the Cherokee freedman case of James Rogers, said case to be consolidated with the cases of Mary Robbins, Albert Rogers and Lillie Lowe et al; that on August 30, 1906, the principal applicants in the case, their attorneys and the attorney for the Cherokee Nation were notified that the case would be taken up for hearing at the office of the Commissioner on September 27, 1906; that the testimony of Doreas Buffington, on behalf of applicants, would be taken at Melvin, Indian Territory, on September 26, 1906; that on September 19, 1906, it was stipulated by the attorneys for applicants and the attorney for the Cherokee Nation that the case should be continued until October 11, 1906, and the taking of the testimony of Doreas Buffington at Melvin, Indian Territory, should be continued until October 10, 1906, on which latter date the following proceedings were had.

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This case having been set for hearing on this date at Melvin, Indian Territory, and there being no notary or officer present authorized to administer oaths, it is agreed between the attorney for applicants and the attorney for the Cherokee Nation that the testimony of the witness, Doreas Buffington, be taken, and that the same have the same force and effect as if she had been regularly plwed under oath.

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APPEARANCES: (James M. Givens appears on behalf of applicants.
(W. W. Hastings appears on behalf of the Cherokee Nation.

Mr. Givens:

Q What is your name ? A Doreas Buffington.
Q Your post office address is Melvin, Indian Territory ? A Yes, sir.
Q Are you a Cherokee citizen ? A Why, Yes, sir.
Q How long have you lived in the Cherokee Nation ? A I have been born in the Cherokee Nation.
Q Do you know about how old you were when the war between the north and south in the United States broke out ? A When we started to this country from Tennessee I was 12 years old. My old boss had my name in his bible.
Q You were born in the old Cherokee Nation ? A Yes, sir.

Q You were a grown woman then when the war broke out ? A Yes, sir.
Q What was your husband's name who was living when the war broke out ? A Harry Buffington.
Q Do you know Mary Rogers who is an applicant for enrollment as a Cherokee freedman ? A I know the very woman she belonged to. She belonged to old Sarah Mainerow.
Q Who owned Mary Rogers (now Mary Robbins) at the time the war broke out ? A Nancy Benge.
Q Do you know whether Mary Rogers (Mary Robbins now) went north during the war and out of the Cherokee Nation ? A Yes, sir, she went up to Fort Scott.
Q Where were you living at that time, what place ? A I went right off of a place we had moved to Illinois down to a Cherokee man's name Oonesccccco.
Q You were living in the Cherokee Nation then when the war broke out ? A Why, Yes, sir.
Q Are you totally blind now - can you see at all ? A I cannot see one thing what bes in this world.
Q How long have you been blind, about how many years ? A Two years this here last June. In the morning I got up and I was blind. Going on three years now.
Q You remember when the war was going on between the north and south ? A Yes, sir, I remember it.
Q You remember when the war was over ? A I don't mean the date, but do you remember of hearing when the war was over ? A Yes, sir.
Q What kin is Mary Robbins to you ? A She is my sister's daughter.
Q Do you know whether or not your husband took any steps to notify Mary Robbins and others to come back after the war was over ? A We sent out word to them particularly because they was my people.
Q Sent them word it was necessary for them to come back ? A Yes, sir, if they wanted a right they better come right away.
Q Do you know when Mary Robbins came back, what time of the year it was ? A No, sir, I don't know.
Q Do you remember whether it was in the fall or in the spring ? A We was gathering in our things we had raised. I believe we had dug potatoes.
Q You had dug your potatoes you think when she came back ? A Yes, sir.
Q Do you dig your potatoes in the fall of the year after they are through growing ? A Yes, sir, after the frost falls on them.
Q When Mary Robbins came back did she go to your house ? A Yes, sir, she came right to my house.
Q Who was with her when she came to your house ? A Cant remember who it was now.
Q Did she have any children when she came back to your house ? A She had a little boy with her.
Q Do you remember his name ? A No, sir, I do not.
Q Now your husband sent word to them up in Kansas that they must come back ? A Yes, sir, if they wanted any right.
Q Do you know whether she came back in time ? A Yes, sir, she came back in time.
Q Now can you remember how many crops you had raised after the war was over before Mary Robbins came back ? A Raised a crop this side of Gibson at the Wilkins place there, and then he bought that place where Mary came from here and that made two crops.

Q That was the crop that you raised up here was the crop that you speak of as having gathered your potatoes ? A Yes, sir.

Cross-Examination.

Mr. Hastings:

Q Do you know what year this is ? A This here now ? Why, No, sir.
Q You don't know one year from another ? A I used to. When I had eyes to see I had a better mind than I have got now.
Q You don't know what year then you first saw Mary after the war ? A I don't know.
Q Who did she come back with ? A I don't remember who she did come back with, but I know she come and we were all glad to see her and tell her she got here inside the limit.
Q How long did she stay there ? A She stayed there several months.
Q About how long did she stay there before she went back to Kansas ? A Until after her child was born.
Q What was that child's name that was born there ? A Jim Rogers.
Q Then did she go back to Kansas ? A She went back when she got able - went after the balance of her things.
Q When she come back the next time how many children did she have the second time ? A Went right there and back.
Q How long was she gone ? A She was not gone very long. Now you are questioning me too much. I believe that is another man talking to me.
Q How long was she gone ? A I don't know. You talk to some of the balance 'cause the lawyer sent for me here.
Q I am asking you how long she was gone ? A I don't know how long she was gone.
Q Three or four years ? A No, sir, she went right up there and come back after she got able to go.
Q When did you first see Tosh Rogers ? A I always did know Tosh Rogers ever since she had been living with her.
Q Well Tosh Rogers came back with her the next time ? A Not until she got there - stayed up with the man she is living with.
Q How long after she came before Tosh came ? A It was a good bit before he got off.
Q Did Tosh come with her the second time ? A No, sir, he told me he would be on as quick as he paid Wilson.
Q Now the first time she come did she come with a man by the name of Joe Brown from Gibson Station ? A Joe Brown was my son-in-law. He might have brought her.
Q You recollect the circumstance of her coming the first time ? A I do because we were looking for her.
Q You remember who brought her ? A I don't know who come with her at that time, but I remember something about Joe Brown. He might have brought her. There was no trains running when she come.
Q How did she come from Gibson Station then ? A When she come she didn't come from Gibson Station since I stated about it.
Q Where did she come from ? A From Kansas, Grand Island Ford.
Q Who did she come with ? A I don't know.
Q You have got no idea about that at all ? A No, sir.
Q Did she have any children at all when she come ? A She had a little boy with her.
Q What was his name ? A Tenkie.

Q How old was Tennie ? A I don't know. I cannot tell you anything about the age of other peoples children.
Q Was Tennie her child ? A Yes, sir.
Q Called Tennie Rogers ? A Yes, sir.
Q One of Tosh's children ? A Yes, sir.
Q Don't you know that she went back to Kansas and that she had three children born to her before she returned ? A That is what she says. You know I never went nowhere. I never went to Fort Scott.
Q Was she gone long enough to have three children born to her before she returned ? A Yes, sir.
Q Then she was gone some three or four years before she came back ? A Yes, sir, because the war held four years.
Q I mean after she came the first time before she came the second time ? A Yes, sir, she went right up there and come back.
Q Well it was a very short time between the first time and the second time ? A Yes, sir, she went back after she got better.
Q How long did she stay up here before she went back the second time, a month ? A I don't know. I cannot tell you.
Q What is your best judgment ? A I don't know. I have got tired now. Seem like my first testimony ought to tell the truth to you. If I was educated like you I would ask you some back questions.
Q You don't know who was brought back with her the last time she came ? A She didn't bring nobody with her lessen Toshie come with her.
Q Where did she stay the last time she came back ? A She went over to Sam Cloud's place.
Q Where is that place, auntie ? A Not very far over here up between me and Miss Benge. I am staying with my daughter, and that place I bought it from this same woman here, Miss Benge.
Q Did you and she go over there to live by yourselves ? A Yes, sir.
Q Then Tosh came back with her the last time ? A He might have.
Q Is that your recollection ? A I want to recollect right. I am full as a tick now. You ask me too many questions.
Q Your recollection is not very good, is it ? A No, sir, not now.
Q You don't know when the Wallace roll was made, do you ? A I was at that roll.
Q Do you remember the year ? A No, sir.
Q You don't remember when the Curns-Clifton roll was made, do you ? A No, sir.
Q You don't remember the year do you ? A No, sir, I cannot tell the date of the year.
Q Could you read and write before your eyes went blind ? A No, sir, I went to school with my master's children long time I went to school with them.
Q Can you read and write ? A No, sir, I never could read and write.
Q Now you think that Tosh came back with her the last time she came, do you ? A I think it must have been Tosh.
Q And they lived together down here on the Sam Cloud place ? A Yes, sir.
Q Is that your best recollection ? A Yes, sir.
Q You were a slave before the war yourself ? A Yes, sir.
Q And Mary Robbins is your niece ? A Yes, sir.

Q. And you are not certain who brought her back the first time after the war? A. No, sir, I think certainly I have captain who came back with her the first time, and you don't know what year it was? A. No, sir.

Witness excused.

Wm. L. Martin, stenographer to the Commissioner to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Wm. L. Martin

Subscribed and sworn to before me this the 16th day of October, 1906.

Walter W. Chappell
Notary Public.

Cherokee Freedmen 389 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., OCTOBER 11, 1906.

In the matter of the application for the enrollment of MARY ROBBINS ET AL., as Cherokee Freedmen.

Applicants appear in person and by Attorney, James M. Givens, of Bevley, Givens & Smith:

Cherokee Nation represented by Attorney, W. W. Hastings.

The records of this office show that the Cherokee Freedmen case of James Rogers was, on July 19, 1906 (I.T.D. 7502-1906), remanded to the Commissioner to the Five Civilized Tribes for rehearing and readjudication, to be consolidated with the Cherokee freedmen cases of Mary Robbins et al., Albert Rogers, and Lillie Love, et al.; that on August 30, 1906, the applicants, their attorneys and the attorney for the Cherokee Nation were notified that the case would be set for hearing at Muskogee, Indian Territory, on September 27, 1906; that on September 19, 1906 a stipulation between the Attorneys for the applicants and the Attorney for the Cherokee Nation, was filed with the Commissioner, agreeing that said case should be continued until October 11, 1906.

The same being called for hearing on this day, the following proceedings were had:

NANCY BENGE being first duly sworn by Charles E. Webster, testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. My name? My name now-they used to call me Nancy Benge, then they called me Nancy Raper--Benge.
Q. Then your name is Nancy Benge? A. Yes sir.
Q. What is your postoffice address? A. Melvin.
Q. Indian Territory? A. Yes sir.
Q. How old are you? A. Oh, I am old, just see the gray locks on my head.
Q. Well, about how old? A. Well, I could not tell you, sir, but I am old; my boys have all got gray hair too.
Q. Do you remember the war between the North and South? A. This last war? Of course I do.
Q. About how old were you at that time? A. I don't know, I had two children.

Cherokee Freedmen 389 et al.#2

Q. Do you know Mary Robbins here, who is an applicant for enrollment as a citizen of the Cherokee Nation? A. Yes sir, she is a citizen.
Q. State whether or not you are a citizen of the Cherokee Nation.
A. Yes sir, I ought to be, I was born here.
Q. Was Marry Robbins, who used to be Mary Rogers, a slave of yours?
A. Yes sir, she was.
Q. Did you know her at the time the war broke out? A. Yes sir.
Q. Do you know whether or not she left the Territory, or where she was during the war? A. She went north; I dont know where she went.
Q. Do you know Dorcas Buffington? A. Yes sir.
Q. Did she live in the Indian Territory, during the time of the Civil War, the war between the North and South? A. Yes sir she lived in the Territory.
Q. Mrs. Benge, about what distance did she live from you? A. She lived about three or four miles from us. Right there on the Creek.

Q. Do you remember of hearing when the Civil War had closed; that that is that peace had been declared between the North and South.
A. What year it was?
Q. No, I don't mean the date, but do you remember hearing that peace had been declared? A. Yes sir, of course.
Q. Do you remember of hearing at that time that there was a time within which former slaves must return to the Indian Territory?
A. What time?
A. I don't mean the date- but do you remember hearing that there was a time within which former slaves must return to the Cherokee Nation? A. Oh, yes sir, they must come back.
Q. Do you know whether or not Mary Robbins returned to the Indian Territory, after she had been away? A. What year and what month?
Q. No, do you remember that she returned? A. Yes.
Q: Do you know where she returned to, whose house she came to after she came back to the Indian Territory? A: She came to her Aunt's.

Q. Who was her aunt? A. Aunt Darkey Buffington.
Q. Dorcas Buffington? A. Yes sir.
Q. After Mary Robbins came back to her Aunt's state whether or not she came to your house? A. Yes sir she come to my house.
Q. Do you know how long after she came to Dorcas Buffington's she came to your house? A. I expect just about a week.
Q. Do you know what time of the year it was- whether in the spring or summer or fall? A. I think it was in the fall, I suppose it was in the fall- I can't remember good, just like I used to.
Q. Mrs. Benge, did you hear before the return of your former slave, Mary Robbins, or Mary Rogers, that it was necessary that a slave should return within a limited time in order for the former slave to have rights in the Cherokee Nation?
A. Yes sir.
Q. According to your recollection of what you heard at that time did Mary Robbins return within the time which you understood to be the time within which slaves had to return to the Cherokee Nation?

Objected to by representative of the Cherokee Nation, for the reason that it is calling for a conclusion and opinion of the witness on the question which is now being investigated, namely: the date of the return of the principal applicant in this case.

Commissioner: Objection will be noted. Witness will answer.

A. Yes sir.

Q. I believe you stated that Mary Rogers came to see you and told you that she had just returned to Dorcas Buffington's? A. She had been there a week before she came to my house to see me, and found me right there where she had left me.

Q. When was the next time you saw her, after the time she came to your house, after she came to Dorcas Buffington's?

A. She was just staying with her aunt, Darkey Buffington.

Q. While Mary was staying at Darkey Buffington's, did you see her more times than the time she came over to your house to see you? A. Yes sir, I seed Mary all the time.

Q. Can you remember what year it was that you first saw her after she came back from being away? A. After she can back from away up there?

Q. Yes, ma'am? A. She came back in '66, as near as I can recollect.

Q. Mrs. Benge, what makes you remember that it was in '66?

A. Why, I heard it, everybody was talking about it.

Q. Was this after peace had been declared? A. Yes sir.

Q. Can you remember about how long it was after you heard that peace had been declared between the North and South, it was until you saw Mary Robbins at your house? A. It wasn't long No sir, they was all coming back.

Q. When you say they were all coming back, who is it you mean?

A. Oh, everybody--that went away from the Indian Territory.

Q. You mean Indians and colored people were coming back?

A. Yes sir, all the people.-

Q. Mrs. Benge, when you first saw Mary Robbins, after her return you think it was in the fall of the year? A. I guess it was in the fall like, it has been so long I have forgot just about that.

Q. What makes you think, Mrs. Benge, that it was in the fall; can you remember whether the crops were gathered when she came back-- is there anything to make you remember whether the crops had been gathered that year when you first saw Mary Robbins after her return? A. No sir, I don't

By Mr. Hastings:

Q. Mrs. Benge, can you read and write? A. No sir, I can not.

Q. Do you know what year the big Cherokee Strip payment was made?

A. No sir, I do not remember anything like that.

Q. Do you know one year from another? A. No sir, I don't really.

Q. You don't know this year from any other year?

A. No sir.
Q. You was over at Melvin yesterday and heard the examination of Dorcas Buffington? A. Course I was there, you was over there.
Q. And you heard it? A. Yes sir.
Q. When you testified before the Commission before, at Fort Gibson, April 12, 1901, you did not, at that time, say anything about Mary Robbins coming back to Dorcas Buffington's did you? Did you? A. You all didn't ask me that question. You all never mentioned it, any of you.
Q. Did her husband come with her? A. No sir, he never come.
Q. How many children did she bring with her? A. Mary one- only one,
Q. What was its name? A. Tony.
Q. How many years after the war was that? A. When she come?
Q. That is what I asked you? A. Well I couldn't answer that; I don't feel right---

Commissioner:
Just take your time, you are sworn to tell the truth and all the truth; that is all we want, take your time and answer the very best you can, you will not be hurried.
Witness:
I do not like to be cross-questioned, just ask me right straight along and I will answer.

Mr. Hastings:

Q. How many years after the war was that? A. When she come back?
Q. Yes? A. What year was it?
Q. How many years after the war? A. It wasn't quite a year, maybe, you see Mr. Hastings, us Cherokees that can't read and write, we don't know things like that, we just know it is day and it is night, and another day, when the chickens crow we know it is pretty near day; just knew days and nights.
Q. And that is all you know about time? A. No, I knew something about it, but I don't like to have you cross question me.
Q. Have you been married since the war? A. No sir.
Q. Never have? A. Since the war, you say? Of course I have
Q. How many times? A. I lived with my man until he died, and after he died I never married any more.
Q. When did he die? A. It is me you are trying is it? not her.
Q. I am asking you what year your husband died? A. I don't know what year it was?
Q. Then I understand you do not know one year from another, do you?
(Witness does not answer)
Commissioner: Answer his question-Do you know one year from another? A. Of course, I do.

Mr. Hastings:
Q. You do? A. Yes, of course, Lord A'mighty, of course.
Q. Well, can you tell us any year that any per capita payment was made, since the war?

A. That is--I don't understand you.
Q. Can you tell us any year in which a per capita payment was made since the war? A. Well, her trial don't go that far does it?
Q. But I asked you do you know any year that any per capita payment was made? A. But I tell you you don't want to ask me questions about the law, and the old lady and things I don't know anything about.
Q. Now, I ask you if you remember an y year in which a Cherokee payment was made since the war? A. No sir, I do not.
Q. How long after Mary came was it you saw her husband, Tosh Rogers? A. Well, I guess about a year, maybe not so long.
Q. Did she stay here all the time after she came down until her husband came? A Yes sir, she was staying with her aunt; I think so, its been so long.
Q. She stayed there with her aunt? A. She stayed at Mrs Buffington's and then she stayed on wrs. Brewster's place, and she stayed there till her husband come.
Q. And it was not quite a year after she came down until her husband, Tosh Rogers, came? A. May be a year.
Q. And she never went back up to Kansas? A. She went back up and got her things.
Q. How long was she gone? A. She wasn't gone long, a month maybe, Maybe not quite.
Q. You remember now hearing what Dorcas Buffington swore to yesterday, don't you? A. Yes sir, of course, I did, but I couldn't hear good, I could not hear all she said, she talked so low.

MARGARET SANDERS being first duly sworn by Chas. E. Webster, testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. Margaret Sanders.
Q. What is your postoffice? A. Melvin.
Q. Indian Territory? A. Yes sir.
Q. Do you know how old you are? A. No sir, I do not.
Q. Do you remember the time that there was a war between the North and South in the United States? A. I do.
Q. Were you grown at that time? A. I was a young woman.
Q. Do you know Dorcas Buffington? A. Yes sir.
Q. Do you know Mary Robbins? A. Yes sir.
Q. Where were you born, in what nation? A. In the Cherokee Nation.
Q. Did you leave the Cherokee Nation during the war between the North and South? A. Yes sir.
Q. Do you know whether Mary Robbins left the Cherokee Nation during the war? A. Yes sir.
Q. Did you see her after she returned? A Yes sir, I seen her shortly after she returned, at her aunt's.
Q. Who was her aunt? A. Darkey Buffington.
Q. Dorcas Buffington? A. Yes sir.

Q. Was that before peace was declared or after peace? A. It was after peace.
Q. Do you remember what time of the year it was that you saw her at her aunt Darkey Buffington's after peace was declared?
A. It was in the fall when I saw her there.
Q. Do you know how long after she returned to the Cherokee Nation it was that you saw her there? A. I had heard of her about a month or two before ever I saw her.
Q. Can you tell how long after peace was declared it was till you saw Mary Rogers at Dorcas Buffington's house in the Cherokee Nation? A. Year, or year and a half, or two years
Q. Are you sure it was in the fall of the year? A. It was in the fall of the year that I saw her.
Q. What makes you think it was the fall of the year; had the crops been gathered? A. They was gathering in crops.
Q. That is what makes you think it was in the fall? A. Yes sir.
Q. At the time that you saw Mary Rogers, whose name is now Mary Robbins, was her husband Tosh Rogers, with her? A. No sir.
Q. Did you know Tosh Rogers? A. Yes sir, I did.
Q. You say she came back to the Indian Territory after peace was declared? A. A good while after she came back.
Q. I said did you ever see him back in the Indian Territory after peace was declared? A. A good while after she came back back
Q. How far was you living from Dorcas Buffington's house at the time you first saw Mary Rogers after she had returned from her absence from the Indian Territory? A. About four or five miles.
Q. Do you know how long Mary Rogers stayed at Dorcas Buffington's house after her return? A. No sir, she stayed there awhile.
Q. Do you know where she went after she left Dorcas Buffington's house? A. I suppose she went on that place of Houston Benge's I won't be certain about that.
Q. Do you know whether after Mary had returned to the Cherokee Nation she ever left the Indian Territory? A. She went away again, I heard.
Q. You do not know that personally? A. Yes, she went away.
Q. You heard about peace being declared between the north and south, did you? A. Yes sir.
Q. State whether or not you heard there was any time given in which former slaves must return to the Nation in order to get their rights as Cherokees. A. I heard there was a time for them to come in. If they didn't they was barred out.
Q. At that time did you know what the time was? A. They was all to come in; they was to come in in '66, I believe.
Q. But shortly after the war, did you knowat that time what the time was? A. Yes sir, I heard everybody talking about it.
Q. And at that time you knew what people said as to the time for mer slaves must come back in order to receive their rights as Cherokees? A. Yes sir.
Q. From your recollection as to that time, did Mary Rogers, or Robbins, return within that time which you understood to be the time for slaves to return and get their rights?
A. Yes sir, that was it, they said she come in time.
Objected to by representative of the Cherokee Nation, and moved to strike this question and answer from the record, because it is calling for an opinion of the witness.

Objection will be noted.

Q. Do you know James Rogers, the applicant here? A. Yes sir.
Q. Is he a son of ~~Mrs~~ Mary Robbins, also an applicant in this case?
A. Yes sir.
Q. Do you know whether or not James Rogers was born in the Indian Territory? A. He was born up there on the Brewster place.
Q. Is that in the Indian Territory? A. Yes sir.
Cherokee Nation? A. Yes sir.
Q. Do you know whether or not James Rogers was born after Mary Rogers returned to the Cherokee Nation or before she left here?
A. He was born here; she took him back when she went back to Kansas.
Q. My question was, do you know whether James Rogers was born in the Cherokee Nation after the time that Mary Returned to the Cherokee Nation? A. Yes sir, he was born after she came back.

By Mr. Hastings:

Q. Do you know what year this is, Auntie? A. 1906, aint it, you know I can't read, I don't know anything, I am just telling as well as I know, I think it is 1906.
Q. Do you know? A. I tell you what I think.
Q. Can you read or write? A. No.
Q. What year were you married in? A. I don't know anything about dates, and I never married, I just took up with my man and lived with him.
Q. What year was that? A. About twenty years ago.
Q. What year wasit? A. Twenty years ago-over twenty years ago, and I am living with him yet.
Q. Well, what year was it you took up with him? A. I don't know what year it was.
Q: You don't know what year that was? A. No, never paid no attention to that.
Q. How long after Jim Rogers was born before you saw Tosh, his father
A. I don't--pretty near a year, a long time after she came before he come.
Q. You say she went back? A. Yes sir
Q. And stayed until Tosh came? A. No sir, she didn't come with Tosh, left him there.
Q. Who did she come with the first time? A. I don't know, Joe Brown and his wife met her.
Q. At Gibson Station? A. I don't know, I know they brough her in
Q. They had not been gone long, they were just gone a day or two and brought her in? A. Yes sir.
Q. From Gibson Station? A. I don't know, I just know they met her. I saw them on the road from Vinita, I met them in the road, they was all walking.
Q. Were they just coming in? A. She was just coming in then, and she went back again.
Q. But this first time, that you met them in the road, she was just coming into the country? A. Yes sir.
Q. And she was with Joe Brown and his wife? A. Yes sir.
Q. And they had been up about Gibsion Station to meet her?
A. There some where.
Q. That was your understanding at that time? A. Over there where Gibson Station is now.
Q. You heard that at the time? A. Yes sir.
Q. How many children did Mary have with her?

A. One boy.
Q. What was his name? A. Ramsey Tosh.
Q. Who did you hear that she went back with, when she went back to Kansas to where Tosh was? A. I think she went back with a man they called Buck Bushyhead.
Q. Buck lived at Fort Scott Kansas? A. Yes sir. We came in and went back with her.
Q. And when she came in you met Joe Brown and his wife with her in the road? A. Yes sir, they was with her.
Q. You dont know anything about dates and wont swear that? A. Yes sir, I know they said she come in time, in '66, in time.
Q. And you swear to that? A. They said she wasin time, that it was in '66.
Q. About how long did she stay before she went back? A. Nearly two months before she went back, and this boy, Jimmie, was born before she went back.
Q. Were you over at Melvin, yesterday? A. Yes sir.
Q. You heard us question Aunt Dorcas Buffington? A. Yes sir.
Q. You heard all we asked her, and what she said.
A. No sir, I never, I want to tell the truth, myself.
Q. Do you know what year Wallace made a roll? A. I was to the Roll when they made it, but I don't know when it was made.
Q. You don't know what year the Vern-Clifton roll was made? A. No sir.
Q. Do you know any year that you ever drew any money since the war?
Q. I know when they said we was drawing Bread Money.
Q. Do you know what year it was? A. No.
Q. In other words, you remember the circumstances, but not the years? A. Just what I hear people say.
Q. Do you know what year the war closed? A. I know the war held four years.
Q. But you do not know what year it closed in? A. No sir. I aint going to tell anything more than I know.
Q. Have you any children? A. Many one
Q. Did you ever have any children born to you? A. No sir.
Q. You think it was two or three years after the war that you first saw this woman? A. Not three years.
Q. As many as two ? A. About two years.
Q. About how long after you first saw her until you saw Tosh?
A. She came in here and left him behind.
Q. About how long? A. About a year.
Q. Well, it was about a year from the time when you first saw Mary until Tosh came here? A. Yes sir.

MARY ROBBINS, being first duly sworn by Chas. E. Webster testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. Mary Robbins is my name now.
Q. Who is your husband? A. Mack Robbins.
Q. Were you ever married before you married Mack Robbins?
A. Yes sir.
Q. What was your former husband's name? A. Tosh Rogers.
Q. Where did you marry Tosh Rogers?

A. We lived together here beforethe war, but were married in Kansas.
Q. Where do you mean by here? A. In the Cherokee Nation.
Q. Did you have any children by Tosh Rogers before the war began?
A. Yes sir, I had one
Q. What was its name? A. Xxxxxxx Tony.
Q. After the war between the North and South began, did you leave the Indian Territory? A. Yes sir.
Q. Before the war were you a slave? A. Yes sir, I was a slave.
Q. To whom did you belong? A. Nancy Benge.
Q. That is the lady who testified here to-day? A. Yes sir
Q. After the beginning of the war did you leave the Cherokee Nation?
A. Yes sir.
Q. Where did you go? A. Went in Fort Scott, Kansas.
Q. At the time you went to Fort Scott, Kansas, did Tosh Rogers, with whom you had been living, go with you? A. Yes sir, he went with me
Q. When you lived in Kansas were you married to Tosh Rogers?
A. After we got there a long time that was a long time.
Q. I asked you if you were married? A. Yes sir.
Q. Where were you married to Tosh Rogers in Kansas? A. Why, in Fort Scott.
Q. Why did you marry? A. Why because we had lived together here so long, and up there they made us marry
Q. After you got to Kansasdid you have any children by Tosh?
A. After who got there?
Q. After you got up there? A. Yes sir, I was ina delicate state when we left here.
Q. How long after you got to Kansas was it that you gave birth to a child? A. About three weeks, I guess.
Q. What was the name of that child? A. Tommie.
Q. How long did he live? A. He lived a week.
Q. Did you have any other children in Kansas besides Tommie?
A. Yes sir.
Q. How many? A. Two more.
Q. What was the name of the first child you had after that time?
A. Emma was the next
Q. How long did Emma live? A. About two weeks.
Q. Was Emma a full birth child? A. No sir, my health was bad, very bad, and I had to work, and I couldn't get along, she was a seven months child.
Q. What was the name of the other child you had in Kansas? A. Tee.
Q. Was that a boy or girl? A. A boy
Q. How long did he live? A. About two weeks.
Q. Was he born in full time? A. No sir, he was an eight months child.
Q. You state that your health was bad at that ti e? A. Yes sir
Q. Did you do any work in Kansas? A. Yes sir, I worked, I washed all the time I was able.
Q. After you were in the state of Kansas did you ever return to the Cherokee Nation? A. Yes sir.
Q. Where did you come back to in the Cherokee Nation.

A. Way to Uncle Harry's right there.
Q. Harry who? A. Harry Buffington, Aunt Dorcas's husband, and Billy Brown went round and told them all to come home.
Q. Why? A. To go home so we would have a right at home, to get back in '66:
Q. Who was Billy Brown, Indian or freedman? A. A freedman.
Q. And you came back to the Cherokee Nation? A. Yes sir, I did
Q: Who came with you, if any one? Joe Brown--Hames, I got in Hames' wagon there.
Q. Was there any one else in Hames' wagon besides Hames?
A. His wife, and there was a good many of them along.
Q. Did you bring your child, Tenny, with you? A. Yes sir.
Q. Did you come straight from Kansas to the Cherokee Nation?
A. Yes sir.
Q. Where did you leave Hames' wagon on your way back?
A. Right over where Gibson's station is now, but there wasn't any station there then.
Q. Was there any railroad there at that time? A. No sir, there wasn't any.
Q. After you left Hames' wagon, where did you go?
A. Joe Brown and his wife knowed I was coming and they met me and we walked.
Q. Walked where to? A. To Aunt Dorcas
Q. Aunt Dorcas who? A. Buffington.
Q. Went to her house? A. Yes sir, right to her house.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. How long did you stay at her house? A. I couldn't tell you sir, a while, but it wasn't covery long.
Q. Then where did you go? A. Went to Houston Benge's place.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. Then from Houston Benge's place where did you go?
A. To Mrs. Brewster's place.
Q. Do you know James Rogers who is an applicant for citizenship in this case? A. Yes sir, he is my son.
Q. Where was James born? A. Right there in Mrs. Brewster's old log house, and my mother was with me.
Q. Is he a son of Tosh Rogers? A Yes sir, ~~an~~ he sure is.
Q. Were you with child when you left Kansas? A. Yes sir, with him:
Q. And James Rogers was born after that? A. Yes sir.
Q. What did you do at Dorcas Buffington's. A. Just helped her round,
Q. After you came back to the Cherokee Nation, in the Indian Territory, did you go to see Nancy Benge, your former mistress?
A. Yes sir, I did.
Q. Can you remember how long you had been back in the Cherokee Nation before you went to see her? A. I don't know, didn't pay no attention to that, just went to see her, we was all glad to see one another.
Q. You do not remember about how long you had been back when you went to see her?
A. Well, let me study over it; I guess I had been back about a week when I went to see her.

Do you remember what time of the year, whether in the spring or summer or fall, it was when you came back to the Cherokee Nation? A. It was in the fall.
Q. How do you know it was in the fall? A. Well the leaves falling off the trees, that's the only way I know.
Q. When you came back to the Cherokee Nation did your husband, Tosh Rogers come with you? A. No sir.
Q. Why did he not come back with you, do you know? A. Why, yes sir, I know why.
Q. Why, A. He had to work to pay his debts.
Q. When you came back to the Cherokee Nation after peace was declared did you bring all your household effects with you?
A. No sir, I did not.
Q. How long was it after the birth of your son James until you returned to the state of Kansas? A. He was old enough to carry around, let's see-- I guess he must have been four or five months old, I guess.
Q. Did you take James Rogers back with you when you went back up to the state of Kansas? A. Yes sir.
Q: Did you take your other son, Tony? A. Yes sir, he went back with me.
Q. For what purpose did you go back to Kansas the second time?
A. I went back after what little I had left up there.
Q. Do you know who went with yu when yo u went back to Kansas the second time, after the effects you had left there?
A. Charley Bushyhead. Buck Bushyhead we always called him.
Q. Was he an Indian or a Freedman? A. He was a mixed blood; had been a slave.
Q. When you went back to Kansas how long did you stay there?
A. About a month I guess, not quite that long, about three weeks.
Q. Did you come back then to the Cherokee Nation in the Indian Territory? A. Yes sir, I come back.
Q. Who came back with you besides your children? A. Buck Bushyhead
Q. The same man that took you back to Kansas? A. Yes sir.
Q. Did you bring back your household goods? A. Yes sir.
Q. Did your husband come back with you? A. Not that time, he came soon after.
Q. Do you know why he did not come at that time? A. He said he was not through yet.
Q. Was not through what? A. Working-paying his debts.
Q. When you came back from Kansas the second time, where did you come to? A. Back to the old place where we was living.
Q. What place is that? A. The Brewster place.
Q. After you came back to the Brewster place how long did you stay there? A. About a year, I guess.
Q. Then where did you move? A. Yes sir, then we moved to an Indian man's by the name of Sam Cloud, Sam Cloud's place, bought this place.
Q. Did you have any children besides James born to you after you came back to the Cherokee Nation? A. Yes sir.
Q. Name these children- who was the first one? A. Fannie,
Q. Next? A. Albert.
Q. Next? A. Ed.
Q. Next? A. Frank.
Q. Next? A. Lillie.
Q. Is that Lillie Lowe, an applicant in this case? A. Yes sir. All the rest of my children was born right here.
Q. On the Sam Cloud place in the Cherokee Nation? A. Yes sir.

On the Sam Cloud place in the Cherokee Nation.
Q. Do you know when your husband, Tosh Rogers, died? A. I don't know. That girl down there knows better than me when her father died. I never noticed the months, nor neither the years.
Q. What place were you living when Tosh Rogers died?
A. He died right there at Margaret Sanders's house.
Q. Where were you living at that time? On the Sam Cloud place?
A. I was hired out working then; mother was there.
Q. When you went back to the state of Kansas did you go back there to live or for your goods? A No sir, I never went back there to live. My home was here and I knowed it. I just went back after my things that I left.

By Mr. Hastings:

Q. For whom was your husband working in the state of Kansas?
A. He just worked for anybody.
Q. Did he ever work in a stable up there? A. Yes sir, he worked in one stable up there.
Q. What was that man's name? A. I-- I forget now-- I just can't remember.
Q. Wilson? A. No sir, Wilson had another man.
Q. Did not your husband ever work for Wilson? A. A very little. He worked other places.
Q. Do you remember when Wilson's livery stable burned down? A. Yes sir.
Q. You were living in Wilson's house at that time? A. No sir. I don't think so.
Q. You know whether you were living in his house; You know when the stable burned down? A. Yes sir, I guess so, I guess we were.
Q. About two hundred yards from the stable? A. I don't know, sir-- Blair's stable burned down, that is the one I remember.
Q. But Wilson's stable burned down- you remember that? A. Yes sir,-- I don't know, sir--
Q. You were living in one of Wilson's houses? A. I guess so; I don't remember.
Q. Is Nannie older or younger than JIM? A. Who did you say?
Was Nannie older or younger than Jim? A. Younger than Jim.
Q. How much? A: I don't know. I don't know their ages.
Q. Two years? A. I reckon.
Q. Nannie was born in Fort Scott? A. No sir, she was born right here. She wasn't born in Fort Scott.
Q. How did you happen to meet Joe Brown away out on the prairie when there was no place there to meet him? A. There was a path-way there.
Q. Path-way up to Gibson Station? A. There wasn't any Gibson Station there then.
Q. There was. A. There was a road there, and that man that was with us emptied us out there.
Q. Why did you write him to meet you at Gibson Station?
A. Because I was fixing to move home.

Q. How could you designate a place to meet you? A. Why I went from here.
Q. But how could you designate in a letter to Joe Brown, to meet you at Gibson Station? A. Why they written me where to come.
Q. To Gibson Station? A. There wasn't no station there then; there was a road that comes that way. It is named Gibson Station now, but it wasn't named anything then.
Q. If there was nothing there but bald prairie can you explain to the Commissioner how you designated a meeting place, and how you come to select that place? A. Well, anyhow we got there.
Q. How did you designate that meeting place? A. I don't know sir, I can't tell you now anything about that, but I know how we come in a wagon and got out there.

ELIZABETH C. GOODLANDER, witness for the Cherokee Nation, sworn by Chas. E. Webster, testified as follows:

By Mr. Hastings:

Q. What is your name? A. Elizabeth C. Goodlander.
Q. Your postoffice? A. Fort Scott, Kansas.
Q. How long has Fort Scott, Kansas been your postoffice?
A. All my life, fifty-seven years the eleventh of next November.
Q. What was the name of your father? A. H. T. Wilson.
Q. Did he live in Fort Scott, Kansas? A. Yes sir.
Q. Did you know a colored family during and after the war, the head of which was Tosh Rogers? A. Yes sir.
Q. Did you know his wife? A. Yes sir.
Q. What was her name? A. Mary.
Q. About when did you first learn to know this faily? A. To the best of my remembrance in the year of 1863.
Q. How long did you continue to know them? A. Until November, '72
Q. Had they some children? A. Yes sir.
Q. How many? A. Three to my knowledge.
Q. What were their names? A. Tone, Jimmie and Fannie.
Q. Do you remember whether they were born there? A. It is my impression they were; Fannie was I know, because she was named for my younger sister.
Q. Did this family do any work for your family? A. Yes sir, Tosh was in my father's employ from about '63 until '72, took care of the horses, built fires, worked in the garden some I think.
Q. Did the chores about your father's place? A. Yes sir, what one would expect a man to do around the place. Our house was all heated by grates then and it was more laberious than it is now.
Q. Did his wife live with him all of that time? A. So far as I know.
Q. Did you ever miss her from up there from the time yourx first knew them in '63 until about November, '72? A. No sir, unless she was away for a few days, or something of that kind.
Q. Could she have been away for any length of time without you knowing it?

A. I scarcely think so.
Q. On whose place did they live? A. In a house belonging to my mother; the house was included in the wages that Tosh received.
Q. About how far was that from the house your family occupied
A. Well, I would say about one hundred yards, may have been a little more or a little less.
Q. Did they live there continuously until 1872? A. To the best of my remembrance. That was their home when they left Fort Scott, and had been for a number of years.
Q. Why do you fix November of '72 as the time they left there?
A. Well, I was married in December, '72, and we had a barn burned in November, '72, in which both of our carriage horses were burned up. Tosh had been dismissed, and we had a new man, and unfortunately we had only one key to the barn- when Tosh was there we had two keys, but they put up an extra bar across the door and had only one key, and the horses burned up. It is very plain in my mind that in was in November, 1872, that he was there.
Q. Did Mary do work for your family? A. Once in a while, but not often, because we had good steady help in those days.
Q. You know Fannie, her child, was born there? A. Yes sir, I can swear to that, about Jimmie, I cannot say. I think Tone was their child when they came there. They may have had other children and lost them, but these three are very distinct.
Q. Have you ever seen Mary Rogers since she left there? A. No sir.
Q. I will ask you to see if you can identify this woman here?

Witness to Applicant--Don't you remember me Mary?
Applicant: No, I don't remember you ma'am
Witness: But you remember Fannie, my little sister, don't you, I was Lizzie the dark haired one- youremember me?--

Objected to by Mr. Givens on behalf of applicants, as not proper procedure.

Objection will be noted.

Mr. Hastings:

Q. I will ask you now if you can identify this woman?
A. The height is about all I can remember, she has changed and so have I, she may not remember me.
Mr. Hastings: Oh, she remembers you all right.
Objected to by Mr. Givens,
Q. You say that this family of Tosh and Mary Rogers lived continuously in your father's house up until November, 1872?
A. In my mother's house, not on our place.

Examination by Mr. Givens:

Q. That was inside the corperate limits of the town of Fort Scott, Kansas, was it? A. Yes sir.
Q. Now state what period it was that Tosh Rogers and his wife, Mary Rogers lived in that house, your mother's house?
A. It was, I think, the better part between '63 and '72, it may have been that part of the time they lived some other place; because Tosh came with George J. Clark, but they came to my father's employ afterward.
Q. How old were you in 1861? A. In 1861? Twelve years old in November, that year.
Q. You were fifteen years old then in 1863, if I count correctly?
A. Nine from thirteen--four--I was fourteen.
Q. Are you able to identify this woman? A. No sir, I can not. I would not have been, of course, except that you told me the name.
Q. I ask you, Mrs. Goodlander, if you are able to identify this applicant, Mary Robbins, as the woman who was in your father's employ during the period you mention? A. Not in my father's employ, Mary was not in my father's employ-her husband was.
Q. Are you able to identify this applicant, Mary Robbins as the wife of Tosh Rogers who was in your father's employ?
A. No sir, I am not able to say so from the resemblance.
Q. You know that there was a woman by the name of Mary Rogers, who lived there at that time, but you are not able to identify this woman here as that woman who lived there?
A. No sir, I am not.
Q. Did you have other servants in your father's em employ from 1863 to 1872? A. Not a man, we had some girls.
Q. Who were they? A. We had two white girls, Mary Humphries and Martha Jones. They both came from out on Drywood, Mary lived with us a little less than eight years and Martha the full eight years, both until they were married.
Q. Do you know when Tosh Rogers left Kansas? A. No I do not.
Q. Is he in Kansas at this time? A. No sir, I don't know
Q. Do you know when he left your father's employ? A. Yes sir.
Q. When? A. In November, 1872.
Q. How do you know it was November, 1872? A: Because I was married in December, 1872, and Tosh had been dismissed at Election time, in November., and as I said the barn burned at that time.
Q. Did you suspect Tosh of being opposed to you in the ele ction?
A. No, but he had been dismissed on account of his conduct.
Q. And was suspected of that, being concerned in that?
A. I may say so we never knew--
Q. How old was Tosh at that time? A. I could not make a guess, colored people are harder to tell than white people, he was older than Mary.
Q. Can you make any estimate as to the age of Mary? A. I could not say, she was older than I I would judge.
Q. And you will be fifty-seven next month? A. Yes sir.
Q. How much older than you would you think? A. I could not say, I would judge her to be six or seven years older than I, but I might be mistaken, I was a young woman, and she was married and had children.
Q: What sort of a looking woman was this Mary Rogers you knew, Can you describe her?

A. She was what I would call a dark mulatto, about the height of this woman here, a spare built woman, that is the best I can tell you.
Q: About what size man was Tosh. A. Taller than Mary.
Q. How much taller? A. I could not say.
Q. Dark or lighter? A. Darker than Mary, more African than Indian.
Q. Did they have Indian blood? A. We supposed they were because they came from the Nation; I don't know.
Q. Your only reason for supposing that he possessed Indian blood was that he came from the Nation? A. Yes sir; I had been used to colored people all my life, I supposed he was mixed Indian because he came from the Nation.
Q. Do you know what became of Tosh? A. No sir.
Q. Do you know what became of Mary? A. No sir.
Q. Do you know what became of their children? A. No sir.
Q. You lost all track of them after your marriage? A. After they left our place.
Q. And they left your place about a month before you were married?
A. Yes sir.
Q. When were you first spoken to as a witness in this case? A. Last Sunday evening, about seven o'clock.
Q. By whom? A. By Mr. Keys, here.
Q. What did he tell you? A. That I was wanted here as a witness in this case-- or as a witness.
Q. Did he tell you what was expected to prove by you? A. No sir.
Q. Did he not tell you what he expected to prove by you, -Did he ask you about this case? A. Yes sir, he ~~x~~ asked me if I remembered Tosh.
Q. And you told ~~h~~ him you would come? A. No sir, I told him I wouldnt
Q. How did you happen to come then? A. I was subpoenaed.
Q. In the state of Kansas? A. Yes sir.
Q. You are here at the expense of the Cherokee Nation?
A. I presume so; at some one's expense not my own.
Q. And you are not able to identify this woman as the woman you knew in Kansas? A. No sir.

By Mr. Hastings:

Q. You do know that the woman you knew in Kansas went by the name of Mary, and that her husband's name was Tosh?
A. I know the woman I kne w in Kansas went by the name of Mary, and her husband was named Tosh Rogers.
Q. You know that they had three children, the oldest Tony? A. Tone.
Q. The next Jim and the third Fannie?

Attorney for applicants objects to questionbecause it is leading and suggests an answer and is not proper direct examination.

Objection will be noted.
A. I can answer that? -- Yes sir.
Q. You do know that they claimed to have come ~~xxxxxxxx~~ from the Cherokee Nation and to have belonged to Cherokee Indians before the war?

Attorney for applicants objects, because question is leading and is not proper direct examination.

We feel that we are entitled to some protection, Mr. Commissioner. I feel that---

Objection will be noted.

A. I can answer part of that question; that they came from the Cherokee Nation, but as to belonging to Cherokee Indians before the war, I do not know.

Attorney for applicants moves to strike this question from the record because, in addition to his previous objections, it is shown by the witness that she has made no statements, and that there has been no statement, that would warrant this question.

Objection will be noted.

Q Did you ever hear, after they left there, where they went? A. No sir.

By Mr. Givens:

Q. Do you know, Mrs. Goodlander, whether or not the Mary Rogers whom you knew, remained with her husband in the state of Kansas as long as Tosh remained in the employ of your father?
A. To the best of my knowledge I think she did.
Q. But do you know this? A. No sir, I cannot swear to that, to the best of my knowledge she was unless she was a way on a little visit.
Q. Do you know whether or not she was in Kansas at the time your father discharged the man known as Tosh Rogers? A. Yes sir.

MARY ROBBINS,- RECALLED.

By Mr. Hastings:

Q. You can not tell us then, how Joe Brown came to meet you at this particular point?
A. Well, we got a letter to meet us there because that was the road, and we turned off there, there was a path-way from there.
Q. Don't you know that the military road that run from Fort Scott, run right down by Fort Gibson, and not by where Gibson Station is now? A. There wasn't any Gibson station there then, though.
Q. But don't you know the military road run right from Fort Scott to Fort Gibson? A I do not know.
Q. What year is this? A. I don't know sir; I can't read, and I can't tell what year it is.
Q. You can't read and write? A. No sir.
Q. Do you know one year from a other? A. I know when Spring comes, and winter, and then its another year, that's all I know.
Q. Do you know what year Jim was born? A. I couldn't tell you.
Q. Do you know what year Fannie was born? A. They was both born down here,but I couldn't tell you the years. They was both born in The Cherokee Nation.
Q. But you do not know what years? A. No sir, I do not.

Q. Didn't you testify when you were on the stand before that you came back to your old Mistress's Nancy Benge, when you first came? A. I came to Aunt Darkey's and then from there to their house.
Q. Did not you testify before that you came back to your old Mistress? A No sir, I come to Aunt Darkey's
Q. Did not you testify when you was on the stand on April 12, 1901, that you came back to your old Mistress when you first came back after the war?
A. She wasn't living far from there where I come to Aunt Darkeys.
Q. I will ask you if at that time you mentioned Aunt Darkey? A. Yes sir, I suppose so.
Q. I will ask you if when you first made application to be enrolled did you in your entire statement there, make any reference at all to having come back to Dorcas Buffington's, or did you even mention her name? A. Yes sir, I did mention her name, and I stayed there until I moved to Houston Benge's place.
Q. Was Tosh Rogers older or younger than you? A. Why he was younger than me, why I am old I tell you, just look at me.
Q. Was Tosh Rogers younger than you? A. Yes sir.
Q. Was he the same Tosh Rogers that worked for Dr. Adair up around Vinita there? A. He drank so much whiskey was the reason he was broke up so bad.
Q. Was he a slave before the war? A. Yes sir.
Q. Was he a grown man before the war? A. Yes sir.
Q. To whom did he belong? A. To Isaac Rogers.
Q. About how old were you when the war came up? A. I had a child before the war.
Q. You had a child when the war came up? A. Yes sir, before the war, when the war come up.

By Mr. Givens:

Q. You saw this woman, Mrs. Goodlander, who testified just a few minutes ago? A. Yes sir.
Q. Did you ever work in the house of her father in Fort Scott, Kansas? A. I don't remember it.
Q. Do you ever see this woman before? A. I don't remember ever seeing this woman at all; I am just telling you the truth, sir
Q. Were either your son Jimmie or your daughter Fannie, born in the state of Kansas? A. That was what she said?
Q. I am asking yo u? A. No sir, she was born on that Sam Cloud place, and this here boy here, he was born on Mrs. Brewster's place.
Q. Jim Rogers was born on Mrs. Brewster's place in the Cherokee Nation, and Fannie was born on Sam Cloud's place? A. Yes sir.
Q. Can there bey any question about that? A. No sir.
Q. Do you know where your children were born? A. Yes sir.
Q. This man who is sitting here is that the Jim Rogers you refer to?
A. Yes sir.
Q. Is this woman here Lillie Lowe your daughter? A. Yes sir.
Q. Where was she born? A. She was born on the Sam Cloud place in the Cherokee Nation.
Q. Was there any other Rogers in Fort Scott? A. Yes sir, there was an old man, an old colored man called Rogers.
Q. You do not know what his wife's name was? A. No sir.
Q. You never heard of him having a wife? A. No sir.

By Mr. Hastings:

Q. You testified that your husband, Tosh Rogers, worked for a man by the name of Wilson? A. That was during the war- just a little while.
Q. You testified that he worked for a man by the name of Wilson before this woman took the stand? A. Yes sir.
Q. You testified also that their barn was burned: A. I told you I heard it, heard a barn was burned up.
Q. You testified that it was after this barn was burned that you came to the Cherokee Nation didn't you awhile ago, before Mrs. Goodlander took the stand? A. (No answer)
Q. Didn't you? A. I told you I heard about it.
Q: You said you heard about it before you left up there, before you came to the Cherokee Nation? A. I heard that place burned but I was down here.
Q. When you was down here? . Yes .
Q. You didn't say that awhile ago, did you? A. (No answer)
Q.
Commissioner:- Whose barn was it you heard was burned, now Auntie, you can answer that?

Q. Whose barn was it you heard was burned? A. Old General Blair's.
Q. But you can remember about Mr. Wilson's barn? A. I don't know about that..
Q. You don't remember about Tosh being discharged at Mr. Wilson's and about him being accused of having something to do with the burning of that barn?-A. No sir, I never did hear of anything like that. It is the God's tryth, nothing about him burning no barn.
Q. Did you hear that the barn was burned? A. Yes sir.
Q: And you heard about the horses being burned up? A. Yes sir, I reckon everybody heard about that, the whole round world.
Q. Did they get the carriage out? A. I don't know.
Q. Did you ever hear anything about that? A. No sir, I did not.
Q. Did you see the carriage after that? A. No sir, I never, I just heard these things .
Q. You just heard them? A. I wasn't there.
Q. Was Tosh there? A. I don't know whether he was or not .
Q.Where was he? A. I don't know.
Q. In whose house were you living up there after the war? Didn't you testify that you lived in this house of Wilson's?
A. After the war?
Q. Yes, before you come down here? A. No.
Q. Just before you come down here? A. In '66?
Q. Just before you come down here? A. We was living in someone's house, I don't recollect who.
Q. Now, I want you to give the name? A. I don't know sir, it has been so long I just forget.

By Mr. Givens:

Q. You said that while you were in Kansas you heard of another Tosh Rogers living in Fort Scott?
A. Yes sir, there was, he stayed with an old man over across Mill Creek.

Mr. Hastings:

Q. But he did not have any wife? A. I never seen any.
Q. And he did not have any children by the names of Tomy, or Jimmie or Fannie? A. They wasn't born up there.

On Behalf of Commissioner:

Q. Have you some children named James Rogers, Lillie Lowe and Albert Rogers? A. Yes sir.
Q. Are all three of these children living at this time? A. Yes sir.
Q. Are they your only children living now? A. Yes sir, the only children I have living.
Q. Your daughter, Fannie Rogers, had a child named Dollie? A. Yes sir
Q. Is Dollie living? A. Yes sir.
Q. How many children has Dollie got? A. Just one living, one died.
Q. What is the name of the one that died? A. Sherman.
Q. How long has Sherman been dead? A. I don't know. She lives here in this Territory.

LILLIE LOWE being first duly sworn by Chas. E. Webster, testified as follows:

On Behalf of Commissioner:

Q. What is your name? A. Lillie Lowe.
Q. How old are you? A. Thirty-two
Q. Youare one of the applicants in this case? A. Yes sir.
Q. You have a minor child have you? A. Yes sir, two, a little girl and this one here--Willie Joanna.
Q. You have some children, Ransom, Evalina and Bertha, also?
A. Yes sir.
Q. Are they all three living? A. Yes sir.
Q. When was Willie Joanna born? A. The 15th day of July, 1903.
Q. You can read and write can you? A. Yes sir.
Q. When was James Henry, this child here, born? A. The third day of March, 1906.
Q. Are you positive as to the date of his birth? A. Yes sir.
Q. On what day of the week was it? A. On Thursday, Thursday morning.
Q. You stated to me awhile ago that it was between nine and ten o'clock in the morning, is that correct? A. Ye s sir, between nine and ten in the morning.
Q. Are you positive as to the day of the week? A. Yes sir, it was Thursday.
Q. You knew that? A. Yes sir.
Q. Are you quite positive that the child was born on the third day of March? A. Yes sir, on the third day of March.
Q. Well, the calendar shows that the third day of March was Saturday?

A. Well, I may be mistaken. I had the almanac brought to me and put it down. I know it was a Thursday.
Q. You stated awhile ago that you were positive the child was born on Thursday? A. I know it was the third, I thought it was a Thursday.
Q. Who was present at the time of the birth of this child? A. Mamma
Q. Mary Robbins, here? A. Yes sir.

MARY ROBBINS RECALLED:

Q. You are the mother of Lillie Lowe? A. Yes sir.
Q. Were you present when her child, James Henry, was born?
A. I don't know about that; I didn't keep no remembrances of that I can't remember dates.
Q. Do you know what month it was born in? A. In March I think.
Q. Of what year? A. I couldn't tell you at all sir.
Q. Do you know it was March? A. Yes sir, they say its March, well then I can tell its that, you see when anybody cant read they dont know unless somebody tells them.
Q. But do you remember what day of the month this child was born on?
A. No sir, I don't.

LILLIE LOWE RECALLED:

Q. Who else besides your mother was present when this child was born? A. Hannah Anderson.
Q: Was there a doctor waited on you? A. No sir. About Sherman-
Q. Do you know how long this child Sherman, Dollie's child, has been dead? A. Bertha, my little girl will be four years old in March, and Sherman was older than her, he would have been four years old last December.
Q. You made application for the enrollment of your child, James Henry, did you not? A. Yes sir.
Q. Did you know what date a child had to be living to entitle it to enrollment? A. Yes sir.
Q. What day was that? A. The Fifth of July, I believe, wasn't it.
Q. Do you know what day these too late children had to be living to be entitled to enrollment? A. No sir, I don't remember now.
Q. Do you know Mr. Purdy? A. Yes sir.
Q. Is he a colored man or a white man? A. He is a white man.
Q. Do you know where his office is? A. What town?
Q. Yes? A. Bristow.
Q. Is he a Real Estate man? A. He is a Banker; I don't know whether he is a Real Estate man or not.
Q. Did he tell you what day this child was born?A. No sir, he didn't know; he ~~xx~~ asked me.
Q. You say you are positive that this child was born on Thursday?
A. Well, I thought it was on Thursday
Q. Well what do you say about it? A. Why, I- he was born on the Third, since you say that was Saturday, I don't know what day it was.
Q. Why may he not have been born on some other day of the month, and have been born on Thursday, instead of being born on the third of the month and not Thursday.

A. Well, he was born the third day of March, I may have made a mistake in the day, but I know he was born on the third, because I put it on my book at home. I have got all the children's ages down.

JAMES ROGERS, being first duly sworn by Charles E. Webster, testified as follows:

By Mr. Givens:

Q. What is your name? A. James Rogers.
Q. Are you a son of Mary Robbins who testified in this case this afternoon? A. Yes sir.
Q. Are you an applicant for citizenship in the Cherokee Nation?
A: Yes sir
Q. Do you know where you were born? A. Well, I could not tell exactly, but from what my mother said I was born on the Mrs. Brewster's place.
Q. In the Cherokee Nation? A. Yes sir.
Q. From the time when you first remember, where were you living?
A. Up on the prairie, on the Sam Cloud place.
Q. In the Cherokee Nation? A Yes sir.
Q. Were you ever in the state of Kansas, so far as you know?
A. No sir, never have been.
Q. Never have been in the state of Kansas? A. No sir

By Mr. Hastings:

Q. You were born since the war? A. Yes sir.
Q. You don't know anything about where you were born except what your parents tell you? A. No sir, of course that's all.
Q. You don't know where you were until you got old enough to remember?
A. Not till I got old enough to remember.

Commissioner:

Q. Where have you lived all your life? A. After I left the Cherokee Nation I lived here in the Creek Nation, over here, the other side of the Mission.
Q. Ever live out side of the Indian Territory? A. No sir, never did.

BASS HARLIN, being first duly sworn by Charles E. Webster, testified as follows, on behalf of Cherokee Nation.

By Mr. Hastings:

Q. What is your name? A. Bass Harlin.
Q. What is your postoffice? A. Melvin, I: T:
Q. How old are you? A. I am about sixty-nine years of age this last December
Q. Then you were a grown man when the war come up? A. Yes sir.
Q. How long have you lived in or about Melvin? A. Ever since I was freed.
Q. Are you on the Freedman Roll? A. Yes sir.
Q. How far do you live from Dorcas or Darkey Buffington?

A. About a mile and a half, now where I live.
Q. Have you always lived neighbor to her since the war?
A. Yes sir.
Q. Do you know Mary Robbins? A. Yes sir
Q. Did you know her former husband, Tosh Rogers? A. Yes sir
Q. Do you know her son, James Rogers? A. Yes sir.
Q. Did you know Tosh Rogers and his wife Mary, now Mary Robbins, before the war? A. I knew Tosh, I wasn't acquainted with his wife.
Q. Did not know his wife. A. No not then.
Q. Now, just after the war where did you live? A. Just after the war?
Q. Yes? A. I lived on the old Moore place, about a half a miles from Uncle Harry Buffington and Aunt Dorcas Buffington.
Q. How long did you live within a half mile of the Buffingtons?
Q. Until the next fall. A Year.
Q. Have you always lived in the same neighborhood--within a mile or two? A. Yes sir, always lived right in the neighborhood, right there.
Q. How long was it after the war before you saw Tosh Rogers or his wife, Mary Rogers, at Darcus Buffington's or in that neighborhood? A. Six or seven years. About seven years.
Q. After the war? A. Yes sir, to the best of my knowledge.
Q. Do you know when they first came back there after the war whether or not they had some children? A. When they first came?
Q. Yes? A. Yes sir.
Q. How many children did they have? A. I remember two right at the time I saw them. A sucklin child.
Q. Do you know whether Jim was born then? A. Well it seems to me they had a boy and a girl, and it must have been Jimmie as well as I can remember, I am here to never lie.
Q. Do you recollect the girl's name? A. No sir, I was made acquainted with her at Aunt Darkey's.
Q. Did you hear where they came from? A. They told me they came from Fort Scott.
Q. That was six or seven years after the war? A. Yes sir.
Q. Did you ever hear of them being down there or living down there in that neighborhood, after the war? A. No sir, I did not.
Q. Did Mary and her husband, Tosh, come there together? A. No sir.
Q. Which came first? A. She came a little first.
Q. About how much before her husband? A. It was as well as I can remember, as well as I can get at it to be staright, two or three weeks maybe, ahead, he come after wards.
Q. Do you know whether they came on the train or not?
A. No sir, I don't know that.
Q. About what aged man was Tosh Rogers when the war came up?
Q. He was an old settle d man; I worked under him at the slaughter pen at Mr. Alberty's putting up beef for the soldiers.
Q. How old do you think he was? A. Forty or fifty years old.

By Mr. Givens:

Q. Where were you born? A. I was born here in the Territory.
Q. Where? A. I was borned on a little creek they call Sallisaw, above Sallisaw Station . My old boss lived up there.
Q. In what Nation is that? A. In Flint.
Q. Flint Nation? A. Cherokee Nation, Flint District.
Q. When were you born? A. Oh, I couldn't answer that.
Q. Don't you know dates? A. No sir.
Q. Do you know when the war broke out, what year that was
A. Sixty-one wasn't it?
Q. You think it was '61 when it borke out? A. You see I never was learned anything like that; I was a slave boy.
Q. Whose slave were you? A . Eli Harlin's, and after he passed away Delilah Harlin's.
Q. Where were you during the war? A. In the Choctaw Nation.
Q. Do you know how long the war lasted? A. Four years.
Q. When did you come back to the Cherokee Nation? After the war?
A. I come right back with her.
Q. How soon after the war? A. Why, just as soon as the treaty was passed, why the old lady told me to hitch up and we come right back up here.
Q. Where did you come to? A. Right back up to the Falls here, and then to Cooweescoowee and then to the old place.
Q. How long did you stay at the Falls? A. About a week, just to rest.
Q. Then up to Cooweescoowee? A. Yes sir.
Q. How long did you stay up there? A. X Just left some of the family there.
Q. How long did you stay there? A. About four or xx five days.
Q. Then where did you go? A. Down on Fourteen Mile Creek, where I am living now.
Q. And you have lived the same place ever since? A. Yes sir, went to work right there.
Q. Do you know Mary Robbins, the applicant here? A. Yes sir.
Q. When did you first become acquainted with her?
A. It was about seven years after I came here that I became acquainted with this woman to the best of my remembrance.
Q. Where was she living then? A. With old mother Darkey. Mrs. Buffington, she made me acquainted with her.
Q. Was there anybody with her? A. She was just sitting down by the fire there witha child; I was there making rails.
Q. How old was the child? A. I don't know sir
Q. A babe? A. Yes sir a baby, she had it in her lap.
Q. Just saw one child? A. Yes sir, she was sitting there by the fire
Q. How many children did she have, if youx know, at that time?
A. There was xxx another one they had.
Q. How many children did she have? A. I didn't see but two.
Q. Were they boys or girls? A. I don't know sir, whether the infant was a boy or a girl, I couldn't say.
Q. Did you see any other children besides this infant that she had in her lap? A. I didn't pay any attention. There was a little boy there but I didn't know whether it was hers or not,
Q. You think the boy might have been hers and xx may have been some one elses? A. Must have been hers--
Q. Why? A. Because you know children live with their mothers.
Q. How old? A. A small boy.

Q. About how old, give your best judgment, according to your best judgment, about how old was this little boy you saw around the house there.
A. I couldn't tell you at all sir.
Q. Was he two years old do you think? A. That's something that I don't want to be called to.
Q. Well, you saw these children? A. Well, I couldn't tell you, Mr.
Q. State whether or not you are able to tell about how old this boy was? A. May have been three or four years old, just a small boy?
Q. May it have been ten years old? A. Three or four years old.
Q. Have you ever been convicted of any crime? A. No sir, I haven't you would find it on the records, and I never have

JOE ROGERS, being sworn by Charles E. Webster, testified on behalf of Cherokee Nation as follows:

By Mr. Hastings:

Q. Your name is Joe Rogers? A. Yes sir.
Q. How old are you A. Sixty-two.
Q. Where were you born? A. On Grand River.
Q. In the Cherokee Nation? A. In the Cherokee Nation, yes sir.
Q. What is your present postoffice address? A. Melvin.
Q. Have you always lived in that neighborhood? A. Ever since the war. I am living about ten miles from where I was born.
Q. Do you know Mary Robbins, whom used to be Mary Rogers?
A. Tosh Rogers family?
A. Yes ? A. Yes sir.
Q. Did you know Tosh? A. Yes sir, I did.
Q. Did you know him before the war? A. Yes sir.
Q. Were you ever with him any before the war? A. Yes sir.
Q. Did you work with him? A. Yes sir. I rode races under him when I was a boy.
Q. Did you know his wife, Mary? A. Yes sir.
Q. Do you know his son, Jim? A. Yes sir.
Q. Where were you living just after the close of the war?
A: After the close of the war?
A. Yes? A. I lived at Fort Gibson a awhile, stayed there with my sister and brother in law, and went from there up on the Grand and stayed up about Eli Spear's.
Q. On Fourteen Mile Creek? A. Yes sir.
Q. Do you know Dorcas Buffington? A. Yes sir?
Q. How far did you live from her after the war? A. About three-quarters of a mile, or a mile.
Q. About how long was it after the war before you seen Tosh Rogers or his wife in that neighborhood where Dorcas Buffington lived?
A The first I remember seeing them was about six or seven years after the war?
Q. Do you know where they came from? A. From Kansas, I guess
Q. Did you hear that at the time?

Objected to by attorney for applicant. Hearsay evidence not competent.

Objection will be noted.

A. Yes sir.
Q. Then you heard they came from Kansas? A. Yes sir
Q. Did they have any children when they came from Kansas?
A. Yes sir.
Q. How many, do you remember? A. I remember there was three or four, they took some off with them and brought some more back with them.
Q. Had one they took off with them? A. Had one they called Tony.
Q. Did they bring him back with them? A. I don't know ; I think they did.
Q. Where was Jim born, do you remember? A. I don't remember that, I don't remember whether he was born on Grand River or in Kansas.
Q. Did he come back with them when they came from Kansas? A. Yes sir
Q. Did they have any others besides Jim at that time? A. Yes sir.
Q. And you think they came back six or seven years after the war?
A. To the best of my knowledge.
Q. You were living right there in the neighborhood? A. Yes sir
Q. You were living about three-quarters of a mile from Aunt Dorcas Buffington? A. Yes sir
Q. You say you knew Tosh Rogers well before the war?
A. Yes sir, knew him ever since I knew anybody.
Q. Was Tosh older or younger than you? A. Lord, yes, he was an older man.
Q. About how old was he when the war come up? A. I couldn't tell, I don't know, if he had gray hairs or not.
Q. Was he a middle aged man? A. Yes sir, he was.
Q. Forty or fifty years of age perhaps? A. Somewheres along there.

By Mr. Givens:

Q. Are you a Cherokee by blood? A. Yes sir, Cherokee by blood and darkey both.
Q. Were you a slave? A. No sir, I wasn't a slave.
Q. You are a mixed blood? A. Yes sir.
Q. What is your name? A. Joe Rogers.
Q. Are you any kin to Tosh Rogers? A. No sir.
Q. Where did you live during the war? A. I lived in the Army. I served in the Thrid Indian Regiment, until they mustered us out in Fort Gibson.
Q. Was your regiment stationed in the Indian Territory? A. Yes sir
Q. Did you ever leave the Indian Territory during the war?
A. I went out with the Army.
Q. When did you come back? A. After the war .
Q. What time after the war? A. I was mustered out at Fort Gibson; come back here in '66 after the war and was mustered out at Fort Gibson. I was taken prisoner during the war, and I come back here and made application for my discharge and was discharged in '66.
Q. At Fort Gibson? A. Yes sir. Q. In '66? A Yes sir.
Q. Do you know what year this is? A. 1906. Aint it?
Q. What did you do when you came back? A. I worked here; worked at the works at Fort Gibson, and drove cattle some and teamed some.
Q. How many years did you live at Fort Gibson after you came back and were mustered out? A. I didn't live at Fort Gibson nary year.
Q. Well, where did you live after you came back? A. On Fourteen Mile Creek.

Q. That is a long creek, to whose place did you come?
A. I come to Kate Knight's some and xx at Watt Bolden's and some at Eli Spears's
Q. Where did Eli Spears live? A. At Melvin.
Q. Now, during what years was it you were in the employ of these people you have mentioned? A. I worked for Kate Knight, I was there in '66 and '67 and I was there in '68, and I taken a wife in '69 and settled in the Nation.
Q. You were married in '69? A. Yes sir.
Q. Where did you live after you were married? A. There about three-quarters of a mile from Dorcas Buffington.
Q. How close to her did you live before yo were married?
Q. About two miles where I had been living.
Q. And during that time you were working sometimes in Fort Gibson?
A. I worked around wherever I could get a job; I drove cattle and drove team, I took some jobs from the Sheriff and I made some crops.
Q. You worked about the country wherever you could get employment?
Q. Yes sir, and I worked for the sherrif
Q. Did the Sheriff ever have you in his custody? A. No sir
Q: You were just working for him? A. I would be deputized to do duty as guard, to guard prisoners you know and hunt them up.
Q. Hunt what? A. Why, horse thieves and people doing depredations again the law.
Q. You were doing that before you married, what did you do from '66 to '69, before you got married? A. Well, sir, I have told you just as plain as I can tell you, I can't tell you again?
Q. Why? A. Because its not necessary to do that; I told you once.
Q. Where did you work in '66? A. Why, Mr., I told you.

Commissioner: Answer his question.
A. I did my work in '66 part of the time at Fort Gibson, part of the time on Fourteen Mile creek, and part of the time just wherever I could get a job.
Q. Where did you make a crop after '66? A. I made a crop for Kate Knight.
Q. Where did Kate Knight live, where did you make this crop?
A. Kate Knight lived about a mile and a half from where Melvin is now.
Q. And you made a crop there in '67? A. Yes sir.
Q. In '68 where did you work? A. In '68 I worked, drove team some in '68, drove cattle some in '68.
Q. Where? A. I drove cattle some in '68. In '68 I went with a bunch of cattle from the Choctaw Nation to Springfield, Missouri, working for Mr. Robb here, and I come here that was just before I was married, when I was fixing to take me a woman.

Mr. Hastings: We ask to stipulate in the record that Gibson Station was the terminus of the M. K. & T. Railroad, and was started about 1871 or 1872. That is an historical fact.

Mr. Givens: I do not know that it was; I am willing to stipulate whatever it was.

Cherokee Freedmen 389-et al)-#28

JAMES M. KEYS being duly sworn by Charles E. Webster, testified as follows:

By Mr. Hastings:
Q. Your name? A. My name is James M. Keys.
Q. Your postoffice? A. Pryor Creek, Indian Territory.
Q. Your age? A. Sixty-three years.
Q. I will ask you when the town of Gibson Station was started, if you know? A. In 1872.
Q. You have heard the testimony of these witnesses? A Yes sir.
Q. And you know that that is the same Gibson Station to which reference has been made in the testimony? A. Yes sir.
Q. This Gibson Station up here north of Muskogee? A. Yes sir.

By Mr. Givens:

Q. How do you know Gibson Station was started in 1872?
A. I resided at that time about two miles from Gibson Station, and I hauled stone to build the culverts there just north of Gibson Station.
Q. For the M. K. & T. Railroad Company? A. Yes sir. It was in 1871 I hauled the st one there.
Q. Are you one of the attorneys for the Cherokee Nation?
A. No sir, I am special marshall for the Cherokee Nation?
Q You assist in securing witnesses for the Cherokee Nation in these cases? A. Yes sir.
Q. You secured or assisted in securing the witnesses who testified to-day? A. Yes sir.

By agreement between the attorney for the applicants and the attorney for the Cherokee Nation, this case will be closed and a decision rendered on the evidence introduced.

Mr. Givens, attorney for applicants, states that he desires to file a brief in the case, and asks that the usual time be allowed him.

The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

SEAL (SIGNED) Lucy M. Bowman

Subscribed and sworn to before me this 15 day of October, 1906

(SIGNED) E. P. Ragsus
Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Marion M. Pace

Subscribed and sworn to before me this 24 day of October 1906.

Chas E. Webster
Notary Public

(C O P Y)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Robbins, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Robbins, et al.....Cherokee Freedmen 389
Lillie Lowe, et al.....Cherokee Freedmen 398
Albert Rogers.....Cherokee Freedman 397
James Rogers.....Cherokee Freedman D60

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the commission to the Five Civilized Tribes by Mary Robbins for herself and minor grandchild, Dollie Rogers, who, prior to September 1, 1902, was married to one Will Jones, and will now be listed for enrollment as Dollie Jones; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on December 12, 1901, of Sherman Jones, son of the applicant, Dollie Jones; by Lillie Lowe for herself and minor children, Ransom and Evalina Lowe; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on March 29,1902, of Bertha Lowe, child of the applicant, Lillie Lowe; by Albert Rogers for himself, and by James Rogers for himself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, granting the applications for the enrollment of Mary Robbins, Dollie Jones (Rogers), Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers as Cherokee freedmen, and that their names are included in a partial roll of freedmen citizens of the Cherokee Nation approved by the Secretary of the Interior November 16, 1904, opposite Nos.3280, 3281, 3282, 3287, 3288, 3289, 3290 and 3286, respectively, and that on June 30, 1905, said Commission rendered its decision herein, denying the said James Rogers the right to enrollment as a Cherokee freedman, which decision was, on same date, duly forwarded the Secretary of the Interior for his review and decision. Thereafter on July 19, 1906 (I.T.D.9862-05,7502-06), a motion to reopen the case of James Rogers, having been filed in behalf of said applicant, the Department remanded his case to this office with instructions to notify the applicant, James Rogers, that he would be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. Said Departmental letter directed this office to consolidate on the rehearing

and readjudication of the case of James Rogers, Cherokee freedman D60, the cases of Mary Robbins, et al., Cherokee freedmen 389, Albert Rogers, Cherokee freedman 397 and Lillie Lowe, et al., Cherokee freedmen 398. Further proceedings in the matter of said application were had at Melvin, Indian Territory, October 10, and at Muskogee, Indian Territory, October 11, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mary Robbins, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., as provided by paragraph two of Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137), for the return of freedmen to said Nation. The evidence further shows that all the other applicants herein are descendants of the said Mary Robbins, born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendents. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe, Albert Rogers and James Rogers are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Dec 3, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Mary Robbins, et al.,....Cherokee Freedmen #389
Albert Rogers,..... " " #397
Lillie Lowe, et al.,..... " " #398

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Mary Robbins for herself and her minor grandchildren, Dollie Rogers and Sherman Jones; by Albert Rogers for himself; and by Lillie Lowe for herself and her two children, Ransom and Evaline Lowe; and subsequent to the date of the last mentioned application an affidavit was filed with the Commission showing the birth of another child, Bertha Lowe, on March 29, 1902, and the same is made a part of the record herein.

The evidence shows that the principal applicant, Mary Robbins (formerly Rogers), was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion, but returned to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.

It further appears that the minor applicants, Dollie Rogers and Sherman Jones are the children of Minnie Rogers, deceased, who was a daughter of Mary Robbins, born since 1866; and that the applicants, Albert Rogers and Lillie Lowe, together with her minor children, are the descendants of said Mary Robbins and were all born since 1866.

The evidence further shows that the said Mary Robbins has resided in the Cherokee Nation continuously since her return thereto in 1866; and that the other adult applicants herein have resided in said Nation all their lives. The residence of said minor applicants is considered to have been in the Cherokee Nation since their birth.

It is, therefore, the opinion of this Commission that Mary Robbins, Dilla Rogers, Rosanna Jones, Albert Rogers, Lillie Love, Ransom Love, Emaline Love and Byrdie Love should be enrolled as Cherokee freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1900

Cherokee Freedman
D-60
A.F.We.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Rogers as a Cherokee Freedman.

--:--

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That, on April 12, 1901, James Rogers appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had on September 5, and 7, 1901, at Fort Gibson, Indian Territory. A copy of the testimony taken at Fort Gibson, Indian Territory, on April 12, 1901, in re application of Mary Robbins for enrollment as a Cherokee freedman, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, James Rogers was born since the commencement of the rebellion, and is a son of one Mary Robbins, formerly Rogers, who was the slave of a Cherokee citizen at the commencement of the rebellion, and who left the Cherokee Nation during said rebellion, and did not return thereto and establish her residence therein, within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. (Cherokee Freedman Enrollment card No. D 60, shows that Tom Rogers, deceased, father of the applicant, James Rogers, was a non-citizen of the Cherokee Nation).

Excepting the Kern-Clifton roll, neither the said applicant, James Rogers, nor his mother, Mary Robbins, can be identified on any roll of the Cherokee Nation in the possession of the

Commission, and which, among others, includes a roll of Cherokee citizens made during the summer or fall of 1867, under the direction of the Commissioner of Indian Affairs.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the application for the enrollment of James Rogers as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman

(SIGNED) T. B. Needles
Commissioner

(SIGNED) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this JUN 30 1906

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES
APR

CHAIRMAN.

Enrollment of Applicants

CHEROKEE [illegible]

Date [illegible]

Post Office Tahlequah I.T.

District Tahl

1. Name Albert Rogers Age 23

Owner's name Citizenship

Year KC Page 133 No. 9309 District Tahl

Parents:

Father Tom Rogers Citizenship Cher D

Mother Mary Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.	
4.	Year	Page	No.	Dist.	
5.	Year	Page	No.	Dist.	
6.	Year	Page	No.	Dist.	
7.	Year	Page	No.	Dist.	
8.	Year	Page	No.	Dist.	
9.	Year	Page	No.	Dist.	
10.	Year	Page	No.	Dist.	
11.	Year	Page	No.	Dist.	
12.	Year	Page	No.	Dist.	

Application made by Jno C Stenographer Jones B. C.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al with which is consolidated the case of James Rogers, applicants for enrollment as Cherokee freedmen.

Stipulation.

Comes now the firm of Zevely, Givens & Smith for the applicants, and W. W. Hastings for the Cherokee Nation, and stipulate and agree that the above entitled case may be continued from Thursday September 27th until Thursday October 11th, and whereas notice has been given that the deposition of Dorcas Buffington is to be taken in said case on Wednesday September 26th at Welvin, I. T., it is agreed that said deposition shall be taken on Wednesday October 10, 1906.

Signed on this the 19th day of September , 1906.

Zevely, Givens & Smith,
Attorneys for Applicants.

W. W. Hastings,
Attorney for the Cherokee Natio

add

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee F-397.

Tahlequah, Indian Territory, May 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith, the record in the matter of the application of Albert Rogers for enrollment as a Cherokee freedman, freedman 397.

On February 21, 1903, the record in the matter of the application of Mary Robbins et al., for enrollment as Cherokee freedmen, freedman 398, was transmitted to Muskogee by request of the Commission, presumably in order that a decision may be prepared therein.

As Albert Rogers is the son of Mary Robbins, and is claiming through his mother, the status of the latter will, of course, govern that of the applicant in this case.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

Enc. R-37.

Cherokee Freedmen
#389 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Mary Robbins, et al., granting the applications for the enrollment of Mary Robbins, Dollie Rogers, Sherman Jones, Albert Rogers, Lillie Ransom, Evalina and Bertha Lowe, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-1.

Commissioner in Charge.

Cherokee Freedmen
#397

Muskogee, Indian Territory, April 21, 1904.

Albert Rogers,

Bristow, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Register

Chairman.

Enc. D-9.

D.C.31635

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.9868-1905.
7502-1906.
L.R.S.

July 19, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application for the enrollment of James Rogers as a Cherokee freedman, including its decision of the same date, rejecting said application.

The evidence establishes that the applicant, James Rogers, is the adult son of Mary Robbins, formerly Mary Rogers, whose name as Mary Robbins appears opposite No. 3280 upon the roll of Cherokee freedmen approved by the Acting Secretary of the Interior November 16, 1904, and that the applicant, James Rogers, is also a brother to Albert Rogers, whose name appears opposite No. 3286 upon the same roll.

The Acting Commissioner on April 19, 1906, stated to the Department that deeds had not yet been executed and delivered to Mary Robbins and Albert Rogers, whose names appear upon the approved rolls.

James Rogers was born about 1867, as claimed, in the Cherokee Nation, but at what place applicant does not know.

Incorporated with the record is the testimony of Mary Robbins taken in her own application on April 12, 1901, tending to show that she, the mother of James Rogers, returned from Fort Scott, Kans., to the Cherokee Nation, to the home of Nancy Benge, alias Nancy Riley, near Grand River, not x far from Bald Mountain, in the summer of 1866. Other testimony introduced tends to show that Mary Robbins, the mother of applicant, did not return to the locality claimed, in the Cherokee Nation, in the summer of 1866, but that she was first seen in that neighborhood about four years after the close of the civil war.

You are requested to notify the applicant, James Rogers, that he will be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. You are also requested to state in the record whether the name of Mary Robbins, either as Mary Rogers or Mary Robbins, and whether the name of James Rogers or Jim Rogers appear upon any of the tribal rolls in your possession.

You are further requested to incorporate into the record,

if such testimony can be secured, the testimony of Nancy Benge, alias Nancy Riley, taken before the Kerns-Clifton Commission, and also the testimony of Mary Robbins taken before the same commission upon the latter's application for enrollment thereunder.

Upon the present state of the record the Department is unwilling to pass upon the merits of the claim.

The decision of the Commission of June 30, 1905, denying the application of James Rogers for his enrollment as a Cherokee freedman, is hereby set aside, and a rehearing is directed therein.

After the taking of additional testimony to definitely determine whether Mary Robbins, formerly Mary Rogers, the mother of applicant, James Rogers, returned to the Cherokee Nation prior to February 11, 1867, you are requested to readjudicate the application of James Rogers, as well as the applications of Mary Robbins et al., Cherokee freedmen 389; Albert Rogers, Cherokee freedman 397, and Lillie Lowe et al., Cherokee freedmen 398, and said applications are to be consolidated on the rehearing and readjudication. The record is returned.

Respectfully,

(SIGNED) Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

D.C.31635 G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.9862-1905.
7502-1906.

July 19, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application for the enrollment of James Rogers as a Cherokee freedman, including its decision of the same date, rejecting said application.

The evidence establishes that the applicant, James Rogers, is the adult son of Mary Robbins, formerly Mary Rogers, whose name as Mary Robbins appears opposite No. 3280 upon the roll of Cherokee freedmen approved by the Acting Secretary of the Interior November 16, 1904, and that the applicant, James Rogers, is also a brother to Albert Rogers, whose name appears opposite No. 3286 upon the same roll.

The Acting Commissioner on April 19, 1906, stated to the Department that deeds had not yet been executed and delivered to Mary Robbins and Albert Rogers, whose names appear upon the approved rolls.

James Rogers was born about 1867, as claimed, in the Cherokee Nation, but at what place applicant does not know.

Incorporated with the record is the testimony of Mary Robbins taken in her own application on April 12, 1901, tending to show that she, the mother of James Rogers, returned from Fort Scott, Kans., to the Cherokee Nation, to the home of Nancy Benge, alias Nancy Riley, near Grand River, not far from Bald Mountain, in the summer of 1866. Other testimony introduced tends to show that Mary Robbins, the mother of applicant, did not return to the locality claimed, in the Cherokee Nation, in the summer of 1866, but that she was first seen in that neighborhood about four years after the close of the civil war.

You are requested to notify the applicant, James Rogers, that he will be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. You are also requested to state in the record whether the name of Mary Robbins, either as Mary Rogers or Mary Robbins, and whether the name of James Rogers or Jim Rogers appear upon any of the tribal rolls in your possession.

You are further requested to incorporate into the record,

if such testimony can be secured, the testimony of Nancy Renge, alias Nancy Riley, taken before the Kerns-Clifton Commission, and also the testimony of Mary Robbins taken before the same commission upon the latter's application for enrollment thereunder.

Upon the present state of the record the Department is unwilling to pass upon the merits of the claim.

The decision of the Commission of June 30, 1905, denying the application of James Rogers for his enrollment as a Cherokee freedman, is hereby set aside, and a rehearing is directed therein.

After the taking of additional testimony to definitely determine whether Mary Robbins, formerly Mary Rogers, the mother of applicant, James Rogers, returned to the Cherokee Nation prior to February 11, 1867, you are requested to readjudicate the application of James Rogers, as well as the applications of Mary Robbins et al., Cherokee freedmen 389; Albert Rogers, Cherokee freedman 397, and Lillie Lowe et al., Cherokee freedmen 398, and said applications are to be consolidated on the rehearing and readjudication. The record is returned.

Respectfully,

(SIGNED) Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee F.
389-397-398.

Muskogee, Indian Territory, August 2, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, in which a rehearing is ordered in the Cherokee freedman cases of Mary Robbins, et al, freedman card No. 389, roll Nos. 3280, 3281 and 3282; Albert Rogers, freedman card No. 397, roll No. 3286; and Lillie Lowe, et al, freedman card No. 398, roll Nos. 3287 to 3290, inclusive.

You are directed to suspend all action looking to the issuance of certificates describing land selected as allotments in the Cherokee Nation for any of these person or the preparation of deeds describing land selected for any of them.

Respectfully,

M.A.

Commissioner.

Cher. F 389,397 A
398. Cher. Freedman
D 60.

Muskogee, Indian Territory, August 2, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a copy of Departmental letter of July 19, 1906, in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application of James Rogers for enrollment as a Cherokee freedman, is set aside and a rehearing ordered in said case. A rehearing is also directed in the Cherokee freedmen cases of Mary Robbins, et al, No. 389; Albert Rogers, No. 397; and Lillie Lowe, et al, No. 398; said cases to be consolidated with that of James Rogers, and to be readjudicated after the rehearing.

The principal applicants in these cases have this day been notified of the Department's action, and requested to advise this office at the earliest practicable date the names and addresses of the witnesses they propose to introduce in the cases. When this information is received, you will be advised thereof, and a date will be set for a hearing in the cases.

In view of this action by the Department, your motion filed June 28, 1906, for a rehearing in the case of Mary Robbins, et al, and also the motion filed June 16, 1906, for a rehearing in the case of James Rogers, need no further attention.

Respectfully,

M.A. Bnel, 8-18.

Commissioner.

Cher. F 389,397 &
398. Cher. Freedman
D 60.

Muskogee, Indian Territory, August 2, 1906.

Louis T. Brown,

Attorney for Mary Robbins, et al,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, and ordering a rehearing in his case. The Cherokee freedman cases of Mary Robbins, et al, No. 389; Albert Rogers, No. 397; and Lillie Lowe, et al, No. 398; are also ordered to be reheard and readjudicated with the case of James Rogers.

You are requested to advise this office at the earliest practicable date the names and addresses of all the witnesses whose testimony you propose to introduce in these cases. Upon receipt of this information the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

Respectfully,

Encl. M.A.8-13.

Commissioner.

Cherokee Freedman
397.

Muskogee, Indian Territory, August 2, 1906.

Albert Rogers,

Bristow, Indian Territory.

Dear Sir:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers, for enrollment as a Cherokee freedman, and ordering a rehearing in said case. The Cherokee freedman cases of yourself, Mary Robbins, et al, No. 389, and Lillie Lowe, et al, No. 398, are also ordered to be reheard and readjudicated with that of James Rogers.

Your attorney, Louis T. Brown, Muskogee, Indian Territory, has this day been requested to advise this office the names and addresses of all witnesses proposed to be introduced in these cases, and upon receipt of such information, the Cherokee Nation will be advised thereof, and a date set for a rehearing in the cases, of which action all parties at interest will be advised.

Respectfully,

[illegible] Register.

[illegible]

D.C.35892

Muskogee, Ind. Ter. August 22, 1906.

Cherokee Freedman, D 80.

Hon. Tams Bixby,

Commissioner to The Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

In behalf of James Rogers, of Bristow, Indian Territory, we acknowledge receipt of your letter, dated August 2, 1906, in which he is directed to notify you at the earliest practicable time the names and addresses of the witnesses he purposes to introduce along the lines indicated in your letter.

We beg to advise you that these witnesses are as follows:

Nancy Benge,	Melvin Ind. Ter.,.
Margaret Sangers,	" "
Dorcas Buffington,	" "
Mary Robbins,	Bristow, Ind. Ter.,
Lillie Lowe,	" "

We have also been employed as atterneys for Mary Robbins Albert Rogers and Lillie Lowe, who desire that their cases be taken up at the same time that the case of James Rogers will be taken up. They desire to introduce in their behalf the same witnesses which have been named by James Rogers.

The witness Dorcas Buffington, whom the applicants desire to use, is a very old and very infirm woman. She is entirely blind and is not able to leave her home. We therefore respectfully request that it be arranged so that some person from your office may proceed with the atterneys for the Cherokee Nation and for the

applicants and take her testimony at her home near Melvin, I.T.

We would not ask this but for the fact that is is absolutely impossible for her to be present at the Commission and because the applicants deem her testimony very material in their behalf.

We will thank you to notify us as well as the applicants themselves when you have fixed the date for the hearing in these cases.

Respectfully,

JMG-C

(Signed) Lovely Givens & Smith.

Cherokee Freedman
397.

Muskogee, Indian Territory, August 30, 1906.

Albert Rogers,

Bristow, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of a letter from your attorneys, Zevely, Givens and Smith, Muskogee, Indian Territory, dated August 22, 1906, advising the names and addresses of the witnesses they propose to introduce in your case.

You are advised that you will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in your behalf the testimony of the witnesses named by your attorneys.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

M.A.
Register.

Acting Commissioner.

Cherokee Freedmen
D 69 et al.

Muskogee, Indian Territory, August 30, 1906.

Zevely, Givens and Smith,

Attorneys for Albert Rogers, et al,

Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of August 22, giving a list of the names and addresses of witnesses you desire to introduce in the Cherokee freedmen case of James Rogers, Mary Robbins, et al, Albert Rogers and Lillie Lowe, et al, you are advised that you will be permitted to appear before the offices of the Commissioner in Muskogee, Indian Territory, on Thursday, September 27, 1906, and introduce the testimony of the witnesses named by you.

You state that the witness, Dorcas Buffington, of Melvin, Indian Territory, is to aged and infirm to appear before theoffices of the Commissioner. You request that a representative be authorized to proceed with the attorneys for the applicants and the Cherokee Nation to Melvin, Indian Territory, for the purpose of taking her testimony. You are advised that on September 26, 1906, a representative of this office, with a stenographer, will proceed to Melvin, Indian Territory, for the purpose of taking the testimony of

Said Dorcas Buffington. The Cherokee Nation has this day been advised hereof.

The Nation will also be permitted to appear on September 27, and introduce in rebuttal such testimony as it desires in this case.

Respectfully,

W.A. Acting Commissioner.

Cherokee Freedman
D 60 et al.

Muskogee, Indian Territory, August 30, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a letter from Revely, Givens and Smith, attorneys for applicants in the Cherokee freedmen cases of James Rogers, Mary Robbins, et al, Albert Rogers, and Lillie Lowe, et al, giving the list of names and addresses of witnesses they propose to introduce in said case.

You are advised that the applicants will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in their cases the testimony of the witnesses named. It is claimed that the witness Dorcas Buffington, of Melvin, Indian Territory, is too aged and infirm to appear before the offices of the Commissioner, and that her testimony is material in the case. The attorneys for the applicants have this day been advised that on September 26, 1906, a representative of the Commissioner, with a stenographer, will proceed to Melvin, Indian Territory, for the purpose of taking the testimony of said Dorcas Buffington.

The Cherokee Nation will be permitted to appear before the offices of the Commissioner on September 27, and introduce in rebuttal such testimony as it desires in this case.

Respectfully,

M.A.

Acting Commissioner.

Cherokee Freedmen
297

Muskogee, Indian Territory, September 22, 1906

Albert Rogers,

Bristow, Indian Territory.

Dear Sir:

You are hereby advised that by agreement between your attorneys and the attorney for the Cherokee Nation, the hearing in your Cherokee Freedmen enrollment case has been continued from September 27 to October 11, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 60

Muskogee, Indian Territory, September 22, 1906

Zevely, Givens & Smith,
Attorneys for James Rogers, et al.
Muskogee, Indian Territory,

Gentlemen:

This office is in receipt of a stipulation between you and W. W. Hastings, attorney for the Cherokee Nation, agreeing that the Cherokee freedmen enrollment cases of James Rogers et al., be continued from September 27 to October 11, 1906, and that the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, be continued from September 26 to October 10, 1906.

You are advised that said cases will be continued until October 11, 1906, and the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, will be continued until October 10, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 60 et al

Muskogee, Indian Territory, September 22, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of a stipulation between you and Zevely, Givens and Smith, attorneys for applicants in the Cherokee Freedmen cases of James Rogers, et al., agreeing that they be continued from September 27 to October 11, 1906, and that the taking of the testimony of Doreas Buffington at Melvin, Indian Territory, be continued from September 26, to October 10, 1906.

You are advised that said cases will be continued until October 11, 1906, and the taking of the testimony of Doreas Buffington at Melvin, Indian Territory, will be continued until October 10, 1906.

Respectfully,

L M B

Commissioner

Cher. Freed.
3898 et al.

Muskogee, Indian Territory, October 17, 1906.

Zevely, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al.

Complying with your request you are advised that you will be given fifteen days from date hereof within which to file a brief on behalf of applicants in this case, a copy of which you will be required to serve on the attorney for the Cherokee Nation.

Respectfully,

MC - 17 - 1

Commissioner.

Cher. Freed.
3698 et al.

Muskogee, Indian Territory, October 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Hobbins, et al. The attorneys for applicants have this day been advised that they will be allowed fifteen days from date hereof within which to file a brief on behalf of applicants, a copy of which they will be required to serve on you.

You are advised that you will be allowed ten days from date of service of the copy of their brief, within which to file a reply.

Respectfully,

VC

Commissioner.

C75

Muskogee Record.
Dec. 27.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 3, 1906.

Albert Rogers,

Bristow, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman.

Your Attorneys, Lovely, Givens & Smith, Muskogee, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl. E-7.
S.E.

Register.

Cherokee Freed.
360, et al.

Muskogee, Indian Territory, December 3, 1906.

Revely, Stevens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. W-9.
S.W.

Acting Commissioner.

Cherokee Freed.
360.

Muskogee, Indian Territory, December 3, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.W-10.
R.W.

Commissioner.

Muskogee, Indian Territory, December 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the consolidated applications for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, refusing the applications for the enrollment of Mary Robbins, Dellie and Sherman Jones, Lillie, Ransom, Evaline and Bertha Lowe, Albert and James Rogers, as Cherokee freedmen.

On July 19, 1906 (I.T.D.9668-1905, 7502-1906), the Department rescinded its decision favorable to the applicants in this case, except James Rogers, and remanded the case to this office for further hearing and readjudication.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Encl. W-11.
S.V.

Land.
10661-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 19, 1906, (I.T.D.9363-1906, 7302-1906), wherein the Department rescinded its decision favorable to the applicants in the Cherokee freedmen enrollment case of Mary Robbins, et al., except as to James Rogers, and remanded the case to the Commissioner to the Five Civilized Tribes for further hearing and re-adjudication, I have the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated December 3, 1906, transmitting the record of the proceedings had in the matter of the consolidated application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Dellie and Thomas Jones, Lillie Tansey, Evelina and Bertha Lowe, and Albert and Jessie Rogers.

On receipt of Departmental letter of July 19, 1906, the applicants herein were notified on August 20, 1906, that further testimony would be taken at the office of the Commissioner on September 27, 1906. By stipulation of the attorneys, this time was further extended to October 11, 1906, at which time further testimony was taken. The testimony of Dorcas Buffington, a witness in behalf of the applicants, was taken at Muskogee, I.T., on October 16, 1906.

The evidence shows that the principal applicant herein, Mary Robbins, was a slave of a Cherokee citizen at the beginning of the Civil War, and that during the progress of the War she left the Cherokee Nation and went into the State of Kansas and resided for some time at or near Fort Scott. It is further shown that she did not return to the Cherokee Nation until after February 11, 1867. The testimony tends to show that she did not return until about the year 1870, though the exact time is not conclusively shown.

The record further shows that all of the other applicants included in this case are descendants of Mary Robbins, and were born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as descendants of Mary Robbins. None of the applicants can be identified on any of the authenticated rolls of the Cherokee Nation in possession of the Commissioner to the Five Civilized Tribes, except on the Kern-Clifton roll.

Under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L.,495), the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe, Albert Rogers, and James Rogers, is correct and it is respectfully recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-SD

D.C.12336-1907. G.R.

W.M.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.3380-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 14, 1907 (Land 19681-1906), copy whereof is enclosed, your decision of December 3, 1906, denying the application for the enrollment of Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers, and James Rogers, is hereby affirmed, and the Department, in pursuance thereof, has hereby cancelled the names of Mary Rogers, Dollie Rogers, Sherman Jones, Albert Rogers, Lillie Jones, Ransom Lowe, Evalina Lowe and Bertha Lowe, from the approved roll of November 16, 1904, of Cherokee freedmen, opposite numbers 3280, 3281, 3282, 3286, 3287, 3288, 3289, 3290, respectively.

You will take similar action upon the partial roll in your possession, and the Indian Office has this day been directed to take similar action.

The record in the case has been returned for the files of the Indian Office, together with copy hereof.

Respectfully,

1 enclosure, and
6 encls., with copy hereof to I.O.

(Signed) Jesse E. Wilson

Acting Secretary.

WCF 3/4/07

Cherokee F.
389.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1905, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Commissioner.

Encl.C-30
LMC

Cherokee F.
389

Muskogee, Indian Territory, March 21, 1907.

Zevely, Givens & Smith,

Attorney for Mary Robbins, et al.,

Muskogee, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1905, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-29
LMC

Cherokee F
397.

COPY

Muskogee, Indian Territory, March 22, 1907.

Albert Roge[redacted]

Bristow, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED

Commissioner.

LMC

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

21943

MUSKOGEE, IND. T. DEC 3 1906 REGISTERED.

PENALTY FOR PRIVATE USE

BRISTOW IND T JAN 19 12 PM

928

Albert Rogers,

~~Bristow, Indian Territory.~~

Reg 17

Uncalled for

W. IND. T. JAN 1907 REGISTERED.

Cher. Fr. R 1264

Cher. Fr. R 1264

Trans. from Cher. Fr. 398

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 12, 1901.

In the matter of the application of Lillie Lowe for the enrollment of herself and two children as Cherokee Freedmen.

Lillie Lowe, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lillie Lowe,
Q How old are you? A 26.
Q What is your post office address? A Bristow.
Q What district do you live in? A My district is Tahlequah, in the Cherokee Nation.
Q You have to go a long way for your mail matter? A My husband's post office is Bristow and I am living with my husband.
Q In the Creek Nation? A Yes, sir.
Q You don't live in Tahlequah at all? A No, sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q A Freedman? A Yes, sir.
Q Is your name on the rolls? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know whether it is or not on the 1880 roll.
Q Who do you want to enroll besides yourself? A Two children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Lowe.
Q Is he a citizen? A He is a Creek citizen.
Q What is your father's name? A Tossie Rogers.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Mary Rogers.
Q Her name now is Robbins? A Her name is Robbins now, but she enrolled Rogers.
Q What are the names of your children? A Ransome.
Q How old is he? A 3 years and 7 months.
Q The name of the next child? A Evalina.
Q How old is it? A She is 10 months.
Q How long have you lived in the Creek Nation? A I don't know, but since I have been married I lived there three years.
Q You are married and live with your husband over in the Creek Nation? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton pay-roll examined, and the applicant identified thereon, page 133, No. 3310, Tahlequah district, as Lillie Rogers.

Q Mary Robbins who was Mary Rogers is your mother? A Yes, sir.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Have you always lived there except what time you lived in the Creek Nation? A Yes, sir.
Q These two children are living, are they? A Yes, sir.

Commissioner Needles: The name of Lillie Lowe is not found upon the authenticated roll of 1880, or the census roll of 1896, but is found on the Kerns-Clifton pay-roll. She avers that she is the child of Mary Rogers, who is now Mary Robbins, and who has been enrolled. She avers that she has two children Ransome Lowe and Lillie Lowe, by her present husband, William Lowe, who is a non citizen. As to her citizenship, reference is made to the testimony of her mother in her own case, Mary Robbins, Cherokee Freedman card No. 589. She is duly identified and makes satisfactory proof of residence. Said Lillie Lowe and two children, Ransome and Evaline, will be listed for enrollment as Cherokee Freedmen. It will be necessary for

L.W.- B.

her to file with this commission satisfactory proof of birth of her children.

Now comes the Cherokee Nation, by its attorney, and protests against the enrollment of the said Lillie Love, from the fact that neither she nor her mother are upon the authenticated roll of 1880, and upon the further ground that she shows to have resided with her husband in the Creek Nation for more than three years last past, and that her husband is a citizen of the Creek Nation.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of April, 1902.

Commissioner.

DEPARTMENT OF THE [illegible]
[illegible]SSION TO THE FIVE [illegible]

FILED

APR 13 1901

[illegible] CHAIRMAN

File with case Lillie Lowe, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 13, 1901.

In the matter of the application of Mary Robbins for enrollment as a Cherokee Freedman and one grandchild as a Cherokee Freedman.

Mary Robbins, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Rogers.
Q How old are you? A Near 50 years old.
Q What is your post office? A Melvin.
Q What district is that in? A Tahlequah district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No, sir.
Q Does your name appear upon the rolls of the Cherokee Nation?
A Yes, sir.
Q Who do you desire to enroll besides yourself? A My children.
Q How many children? A Four.
Q Give me the names of your children? A James Rogers.
Q How old is he? A About 30.
Q He must come himself; I want to get the names of the younger children under 21 years of age? A I can't just tell you how old they are.
Q What is the next one after James? A Albert.
Q How old is Albert? A He must be about 24 or 25.
Q He must come himself; what is the name after Albert? A Lillie.
Q Is she married? A Yes, sir.
Q She must come herself; what is the next one? A Dollie.
Q Is she married? A No, sir.
Q Is she at home with you? A Yes, sir.
Q Is she about 15? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir..
Q Are you married? A Yes, sir.
Q What is your husband's name? A Heck Robbins.
Q How long have you been living with Heck Robbins? A I can't tell you how long, I don't know how long I have been married; I don't stay there at all, I am backwards and forwards.
Q Been married to him 20 years? A I don't think so.
Q Did you ever go by any other name besides Rogers? A No, sir, just Rogers.
Q What is Dollie's name? A Dollie Rogers.
Q Your name isn't on the roll of 1880? A I don't know.
Q Don't you know that it is not?
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1868 census roll of Cherokee Freedman examined and the applicants not identified thereon.
The Kerns-Clifton pay-roll examined, and the applicants identified thereon as follows:
Mary Rogers on page 133, No. 5308, Tahlequah district.
Q Is you married Robbins why isn't your name Robbins instead of Rogers? A Well sir, you see Rogers was my first husband and my children, these children's father, that is the reason, and I had their name put down here Rogers; that was the reason.
Q Well, after Rogers died you married Robbins, didn't you?
A Yes, sir, but I stayed single for a long time.
Q If you married Robbins, then you ought to be Roggins, oughtn't it?
A Yes, sir.
Q Well your name now ought to be Robbins? A Yes, sir, I guess so.
Q Is your husband living? A Yes, sir.
Q You and Him living together? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q What was the name of your owner? A Arly Cochran.

M. R.-2.

Q Was he a Cherokee Indian? A Yes, sir, a Cherokee full blood.
Q Where were you at the beginning of the big war between the United States and the Confederacy? A Right at home with my mistress.
Q Where did you go during the war? A North.
Q To Kansas or Missouri? A To Fort Scott, Kansas.
Q When did you come back? A I came back in the year 1866.
Q Are you right sure of that? A Yes, sir, to my mistress, my young mistress was the only one living.
Q Is she living now, your young mistress? A Yes, sir.
Q What is her name? A Nancy Riddles some calls her and some calls her Nancy Raper.
Q Do you live close to her now? A Yes, sir, I live way this side.
Q Then you have been living in the Cherokee yation ever since that?
A I have been living in the Cherokee Nation, going backwards and forwards.
Q And Dollie is your child by your first husband Rogers? A Yes, sir.
Q Can't you get your old mistress to come here and testify for you?
A Yes, sir, she is here.

Nancy Benge, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sometimes they call me Nancy Riley and Nancy Benge.
Q How old are you? A I must be about 80 or 60.
Q Are you a Cherokee citizen? A Yes, sir, a Cherokee citizen.
Q What is your post office? A Wagoner.
Q Do you know Mary Rogers? A Yes, sir.
Q How long have you known her? A Ever since we were little.
Q Was she a slave? A Yes, sir.
Q Were you her owner? A Yes, sir.
Q Where was Mary Rogers at the close of the war in 1866? A She was right here in 1866; she came here, I know she came in before 1866.
Q Been here ever since? A Yes, sir, but then she went backwards and forwards just like the rest of us.
Q Do you know the reason her name isn't on the roll of 1880; her name isn't on the roll of 1880; do you know the reason? A No, sir; she is a citizen all right enough, she used to belong to us.
Mr. J.S.Davenport, attorney for Cherokee Nation: Did you go north with the applicant here, Mary Rogers, when the party moved out?
A I stayed right at home.
Q You didn't go with her when she went north? A No, sir, I never left home.
Q She came back to your home in Tahlequah district some time after the war closed? A Yes, sir, she came on this side the river.
Q Do you know what year she came back? A She came back in 1866.
Q You were before the Commissions before, wasn't you, the Kerns Clifton Commission, and testified, about four years ago? A I guess I did.
Q Didn't you say then that she came to your house about three years after the war? A No, I didn't say that.
Q What makes you remember she came back here in 1866? A They all was to come back here in time you know.
Q Was that in the summer or fall or winter? A I think it was in the summer, I am not right sure.
Q You are not right sure but what it might have been in 1867?
A No, sir, for we didn't learn nothing then.
Q What part of Tahlequah district were you living in when she came back to you? A Right on the river, and I am there yet, not far from Blad Mountain.
Q She went away to Kansas and came back after Peace was declared sometime? A Yes, sir.
The Kerns-Clifton pay-roll examined and the applicant, Dollie Rogers identified thereon, page 185, No. 3518, Tahlequah dist.

M.P.- 2.

Mary Robbins, recalled, testified:

Mr. Davenport: Who did you come back to the Cherokee Nation with after the close of the war? A There was a good many people came, I don't know exactly who they were.

Q You testified before the Kerns Commission as to who you came back with, didn't you: didn't you testify then you came back with Stand Looney? A No, sir, not Stand Looney.

Commissioner Needles: Is Dollie Rogers your child? A Yes, sir, Dollie is my child; it is my grandchild, but I will tell you, she died at the birth and I picked her up before it; her mother, my own little daughter, and I turned in and took her.

Q What was Dollie's mother's name? A Fannie.

Q Is Fannie living? A No, sir, she is dead.

Q Did she die when Dollie was born? A Yes, sir, she died.

Q Fannie was your child? A My own little child, and she was a Rogers

Q What was Dollie's father's name? A Atkins.

Q They were not married, were they? A No, sir.

Commissioner Needles: The name of Mary Robbins cannot be found upon the authenticated roll of 1880, nor the census roll of 1896. Her name is found upon the Kerns-Clifton roll. She avers that she was a slave and belonged to one Arly Cochran. She was taken out of the Nation during the war between the Confederacy but returned in 1866. Her old owner testified that she was here in the year 1866; that she returned in time. She is duly identified and makes satisfactory proof as to residence. She avers that she has one grandchild, the child of her daughter, now deceased, who is under 21 years of age, and whose name is found upon the Kerns Clifton roll, but cannot be found upon the roll of 1896. Satisfactory proof is made as to her citizenship, and said Mary Robbins and her grandchild, Dollie Rogers, will be listed for enrollment as Cherokee Freedman.

Comes now the representatives of the Cherokee Nation and protest against the enrollment of the applicants, Mary Rogers and her child, Dollie Rogers, for the reason that her name does not appear upon the authenticated roll of 1880.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of April, 1901.

for A. Johnson
Notary Public

Commissioner.

SUPPLEMENTAL: File with C.F. D-60,

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 5, 1901.

In the matter of the enrollment of James Rogers as a Cherokee Freedman;
ARCH COCKRUM, being sworn by Commissioner Needles, testified as follows:
Appearances:
J. W. Faulds, for the applicant, as atterney.
L. B. Bell, for the Cherokee Nation.

Com'r Needles: Witnesses sworn and placed under the rule.
TESTIMONY ON PART OF CHEROKEE NATION.
Simon R. Walkingstick, Interpreter.

BY MR. BELL:
Q What is his name? A Arch Cockrum.
Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Wagoner, I. T.
Q Age? A Something over eighty years old.
Q Well tell him we have got the case up here of James Rogers, and I want to make some inquiry of him about him, a colored man?
A Well he asks the question: The one we was talking about?
Q Yes. I want to ask him if he is acquainted with Arley Cockrum?
A Yes sir.
Q Where did she live in her life time? A Just across from Joe French's ferry on Grand River.
Q Did she have a daughter named Nancy? A Yes sir.
Q Now known as Nancy Riddle, or Nancy Benge? A Yes sir.
Q Did this Arley Cockrum or Nancy Benge own a colored woman by the name of Mary? A Yes sir, Ollie owned a colored woman named Mary.
Q Was he acquainted with this woman? A Yes sir, I knew her from when she was so high . (indicating)
Q Did she leave the Cherokee Nation during the war that he knows of? A Yes sir.
Q Did he know about what time she returned to the Cherokee Nation after the war was over? A I couldn't state just exactly the time, but it was something afterthe expiration of the time in which the Freedmen were to return.
Q I will ask him if he lived in the neighborhood of where Arley and Nancy Benge lived or Nancy Riddle, at tye close of the war? A Yes sir, I lived near them.
Q Well now what years did he live there, that is, where was he the first year after the war closed, that is 1866? A Well just directly after the close of the war I moved up north of the Canadian river and stayed there one summer, and then after I left the Canadian River I moved up here-don't state where,-just above here and stayed there a year and the next year he moved up near where these parties lived, and I had been there about two years when she came there.
Q When she came there,-get that a little more definite? A That colored woman.
Q He said he stayed that summer below here, was that the same summer the war closed, in Canadian? A Yes sir, thatwas the same summer.
Q Then the next summer he farmed above here a few miles? A In the fall I lef t Canadian down there and moved to my place up here.
Q Well there's where he stayed and made a crop? A I made one crop there and then sold the place and moved to near where I had formerly lived, near my father's.
Q That was in the neighborhood of Arley andhow far from there?
A I don't hardly think it was a quarter of a mile.
Q Howlong after he moved up there did he say he thinks it was before they came? A It must have been about 2 years, after I had been there.
Q Well did this Mary, this colored woman, have a husband?

A Yes sir.
Q What was his name? A Tosh was his name.
Q Tosh Rogers? A Yes sir.
Q Did he have any children? A Yes sir they had children.
Q They have a boy? A Yes sir, the oldest one was a boy
Q What was his name? A James.
BY MR. FAULDS:
Q Immediately after the war closed you moved away from the place where Nancy Benge or Nancy Riddle was living? A No sir, he didn't state anything definitely; he just says he lived up here.
Q He said he moved a way some place, how far did you go away from where this Nancy Benge lived, you said you moved on the Canadian didn't you, north of the Canadian? A Well I moved just about three miles north of this place north of Fort Gibson after living on Canadian River.
Q Well when did he go to the Canadian River? A I had come from Red River just directly after the close of the war and was on my way home.
Q I don't think he understands my question; I want to know if he was living in the neighborhood of this Nancy Benge of Nancy Riddle whatever her name is, right after the close of the war, for a year or so afterwards; if he wasn't living there where was he living? A I was south when the war closed.
Q When did he come back here? A As I stated, when I left south I came to the Canadian River and stayed there one summer, immediately after the war.
Q Would that be the summer of '65? A Perhaps so, I don't know.
Q Now where was he the next summer after that; that is, the year after the war was over? A At the place I stated, three miles north of Fort Gibson.
Q How far is that from where Nancy Benge was living at that time? A About three miles.
Q Now how long did you stay there at this place three miles north of Fort Gibson? A Just one year .
Q Then where did you go? A I moved to near where Nancy Benge lived
Q That would be about three years after the war? A Yes sir.
Q How do you know where Mary Rogers went when the war broke out? A She went north.
Q To Fort Scott, Kansas? A I suppose so.
Q Now, ask him if he is prepared to dispute the word of Nancy Benge when she swears that this Mary Rogers came back in 1866, and was there from time to time? A Yes sir, I am prepared to say that; I know what I am talking about.
Q Are you prepared to swear that Mary Benge could not have come to this Cherokee Nation unless you saw her and knew her at the time she came ? A Well, when she first came I was on the river and I saw her come across the stream.
Q But do you pretend to swear that she wasn't in this country before that, couldn't she have come here to this country when you were down on the Canadian River, come here and stayed a while and gone back again, as Nancy Benge says? A I don't know whether she had been here before that time or not; if she had been I couldn't state whether she had or not.
Q All you can state is the first time you saw her in the Cherokee Nation is when you were living up there by Nancy Benge two or three or four years after the war? A Yes .
Q She might have been here several times before that without your seeing her? A Yes sir, that's true.

GEE DICK, being sworn by Commissioner Needles, testified as follows:
BY MR. BELL: (Simon R. Walkingstick, interpreter)
Q Ask him his name? A Gee Dick.
Q How old is he? A Well I was two or three years old when the Cherokees came here in 1838.

Q Where does he live? A I live in Tahlequah District.
Q What is his post-office? A Melvin.
Q Was he in the country in 1866, the year after the war closed? A Yes sir.
Q Was he acquainted with Arley Cockrum? A Yes sir, I knew her.
Q Did she have a daughter named Nancy, sometimes known now as Nancy Riddle or Nancy Benge? A Yes sir.
Q Did he live anyways near them before the war? A No sir, I didn't live near them until after the war.
Q Well how near them did he live in 1866? A Just about a mile.
Q He don't know then whether they had a colored woman by the name of Mary? A Yes, I used to go through the country there quite often, and I knew they owned a colored woman named Mary.
Q Has he seen this colored woman since the war? A Yes sir, I saw her sometime afterwards.
Q Well when was the first time when he saw her there after the war at this Nancy or Arley's house? A Why it was something after the year 1870.
Q Where did he see her at? A I saw her at her house.
Q At the woman's own house? A Yes sir, where she was living with a man named Tosh Rogers.
Q How far is that from Nancy or Arley Cockrum? A They lived just about a quarter of a mile or it might have been as far as a half a mile.
Q Was it on the same place, or did she have a little place of their own? A They were living in a rented house.
Q Now how long had he been living there in a mile of Arley Cockrum's when he first saw this Tosh Rogers and his wife, or this Mary Rogers and her husband come there? A I had been there about 5 years.
After I was mustered out at this place I went direct from here there in that neighborhood.
Q During all that time he never saw nothing of these folks until 1870? A

MR. FAULDS: That is a leading question.

A Yes sir, that's the first time I saw them.
Q Was he intimately acquainted with these folks, this Arley Cockrum, and about their house much, neighbors? A Yes sir, I would often go there and became quite well acquainted with them.
Q Does he know whether this Nancy went up North or not, this girl, daughter of Arley? A She remained in the country.

BY MR. FAULDS:

Q All you know is that the first time you saw this Mary Rogers after the war was at this Nancy Benge? A As I stated, that was about the first time I saw her, and was along about the year 1870, or thereabouts.
Q You can't dispute the word of Nancy Benge when she swears she saw her in 1866 or before that? A I am not prepared to dispute the statement of Nancy Benge, but she wasn't in the country in the year 1866, this Mary wasn't in the country in the year 1866.
Q Couldn't she have been here without your seeing her; did you keep track of all the colored people here at that time? A No sir, I think not, because when she came to the country she came direct to that place, they said she had just come in.
Q She could have come in this country in 1866 and have gone backwards and forwards ever since, couldn't she, without your having seen her at all up until the time you speak of? A I don't think she could have come without me seeing her.
Q Well suppose she came to Webbers Falls, would you have been sure to have seen her? A There would be no reason for her to come way down there, she was in Fort Scott, Kansas.
Q Tell him to answer my question; were you looking for her from the close of the war right on up until you found her? A No sir, I was not looking for her at all; I would hear of her though.

James Rogers et al 4 sup'l

Q When did you first know her? A Well it was along after 1870 that I became acquainted with her.
Q Never saw her kuntil 1870? A Nosir.
Q Didn't know anything about her? A I had only heard that they owned a slave by that name.
Q Now you want to swear that she couldn't have been in any spot or hole or corner in this Cherokee Nation throughout the whole length and breadth of it unless you had been right there and put your eyes right on her? A No, I couldn't have seen her if she had come to some other part of the Cherokee Nation than up there, I couldn't have seen her because I can't see very far.
Q Is your eye sight poor? A (Not interpreted by interpreter.)

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn tonbefore me this September 20th, 1901.

(Signed) C. R. Breckinridge.

Commissioner.

(This test in Ch.by hld b'k #51-stenog.)

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, kexx she made the above and foregoing copy and that the same is a full, true, and correct copy of the original testimony now on file in this office.

Mattie M. Price

ubscribed and sworn to before me this October 26, 1906.

John E. Tidwell
Notary Public.

R C.F.D.#60.

DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I. T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JAMES ROGERS as Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
W. W. Hastings, of Counsel for Cherokee Nation.
J. F. Faulds, Attorney for applicant.

COLUMBUS BALDRIDGE, being duly sworn, testified as follows: Examination conducted through Interpreter Simon R. Walkingstick.
Mr. HastingsWhat is your name? A Columbus Baldridge.
Q What is your age? A 59.
Q Where do you live? A I live in Tahlequah district/
Q Are you a full blood Cherokee Nation? A Yes, sir.
Q What part of Tahlequah district do you live in? A It is near the Grand river between that and where the Fourteen Mile Creek emptys into the river.
Q How far is that from Melvin post effide? A About seven, or probably eight miles from there.
Q You live between Wagoner and Melvin then on the grand river? A Yes, sir.
Q Did you know Arlie Cochran before the war? Yes, sir.
Q Was Arlie Cochran a man or woman? A Woman.
Q Did she own a slave by the name of Mary? A Yes, sir.
Q How far do you live from Arlie Cochran? A About a mile and a half.
Q Did you know a child of Mary's by the name of Jim? A Yes, sir.
Q Did you know where Mary, the mother of Jim, went during the war? A Yes, sir, she went North at the commencement of the war.
Q Ask him if he saw her up there? A Yes sir.
Q Where? A Fort Scott.
Q Did you know her up there? A Yes, sir, I was at her house about a week.
Q When was that? A In September, 1866.
Q Was she in Fort Scott at that time? A Yes, sir, she was living there.
Q Where did you go from Fort Scott? A I had left; I had gone there from this country with some cattle man, drove some cattle up beyond Fort Scott and I came through there on my way back.
Q Did he come on back to the Cherokee Nation after that? A Yes, sir.
Q Well, where did he locate then in the fall of '66 after he came back from Kansas? A I came to where my father lived near where my father now lives.
Q Was that in Tahlequah district? A Yes, sir.
Q How far from Grand river? A About a mile or hardly so far.
Q Now, when did you next see this woman, Mary Rogers? A About ~~four~~ four years after that.
Q Where did he see her? A She moved near where I lived at that time; she rented a house near there.
Q Did you know where she moved from? A No, I could not state positively, but they stated that they had come from up that way, that they had just come.
Q Up from what way? A I just asked them the question if they had just now come and they said yes; I don't remember asking them if they had come from Fort Scott direct there.
Q You had seen the family in Fort Scott before? A Yes, sir.
Q And was this the next time you saw them? A Yes, sir.
Q Well, had you lived ever there in that neighborhood all the time from '66 up to this time when you saw them? A Yes, sir, I had lived there all that time.

Q How far from you did they locate when they first came in?
A They first moved in about a mile from us and then after they left that place they moved in one of my houses.
Q You know them well then? A Yes, sir.
Q Did this woman, Mary, have any children when she moved down there, that you just now talked about? A Yes, she had two very nearly gown, a boy and a girl and small boy so high(indicating), the third one.
Q How long did they live there? A I could not state just the length of time they lived there, but they lived theresometime.
Q XWell, about how long? A About ten years I suppose, probably not so long, might have been just about eight
Q Do you know where this boy or man and his mother then went; where they went from there? A One of the boys left first me and then sometime after that their mother left and went to the Creek Nation.
Q Where have they been living since that time? A The next time I saw this woman was at this place about a year ago; she teld me at that time that she was living in the Creek Nation.
Q Do you know where she is living now? A No, I haven't heard.
Q Is she living up in your neighbor hood? A No, sir, the last time I have seen her was when I saw her here about a year ago.
Q Did you know what this Mary's english name was, and what Jim's name was, what they go by? A Her husband's name was Toss.
Q You don't know what the other part of it? A No, sir, I don't know.
Q Is this the same Toss who worked up there at Tahlequah for Dr. Adair in a livery stable and wore a cap on his belt? A That is the same man.
Q Well, did Arlie Cochran own one woman by the name of Mary?
A Yes, sir.
Q Did he say just one or more than one? A Just one I think.
Q Well, ask him if her name was Mary Rogers; if he ever heard her called Mary Rogers? A Yes, sir, that was her name, surname was Rogers, surname of her husband.
Q Did you ever hear Jim called by the name of Rogers? A I don't remember hearing his surname I suppose that was his name.
BY MR. FAULDS: Ask him if he knows Nancy Benge, sometimes called Nancy Riley? A Yes, sir, I know her.
Q Where is she living? A She lives about seven miles up the riverf from where I live.
Q How long has she been living there? A She has been there about ten or twelve years.
Q Where did she live before that? A She lived near me there.
Q How far from you? A Just a little over a mile, I think.
Q Was she living there in '66? A Yes, she was living there, she was living with her mother at that time.
Q What was her mother's name? A Ollie.
Q Ollie Cochran? A Yes, that was her name.
Q Then This Nancy Benge or Nancy Riley, was the Mistressof this Mary Rogers? A No; well, I could not say positively it was either her mother, Nancy's mother, or Nancy herself, I don't know exactly.
Q Ask him if he is prepared to dispute Nancy Benge when she swears she is the owner of Nancy Rogers? A I have stated that I don't know positively which one of these women owned Mary, but they belonged either to the mother or to the daughter, Nancy.
Q You can't swear that Mary Rogers didn't come to this Cherokee Nation in '66? A All that I can state is that I saw her the second time after seeing her in Fort Scott; that is I saw her move to near where I live.
Q Can you dispute this Nancy Benge when she swears she came here in 1866 and went backwards and forwards like therest of us?

A Well, I hadn't made any inquiries as to where she may have come before that time, but then I was just stating the different times I have seen her, once in Fort Scott, and the next time over near where I lived something like four years afterwards.
Q Well, she might have been just visiting at Fort Scott or staying there for a short length of time when you saw her? A It didn't appear as they was just there temporarily, because she had her household effects there and seemed to be living at home.
Q Did you stay there over night with her? A Yes, sir, I stayed with her a week.
Q How many times did you visit her there while she lived there?
A That is all, just this one week that I speak about.
Q That is the only time you were at their place in Fort Scott, Kansas? A Yes, sir.
Q And what year did you saw that was? A It was in September, 1866.
Q That was the time you stayed there a week you say? A Yes, sir.
Q And that was the only time you ever were there? A Yes, sir.
Q Well, then she could have easily come down here in the Cherokee Nation between that and January, '67, without you knowing it?

Mr. Hastings: Come now the attorney for the Cherokee Nation and object to that he because it is a conclusion for the Commission to draw.

Mr. Faulds: The attorney for the applicant states that this witness is positive in regard to his statements and ought to be allowed to say whether or not this woman could have returned here in the fall of '66 or in the winter without him knowing it.

A Yes, that is so; she may have come between those dates and I would not know it.
Q You would not like to dispute Nancy Benge when she swears positively that Mary Rogers came back here to the Cherokee Nation in '66? A Well, I m under oath to make a statement in regard to this case and I am simply stating what I know.
Q Ask him if he can write and read? A No, sir, not in elgnish.
Q Can you read and write Cherokee? A Yes, sir.
Q What year were you born in? A We have lost the family record during xkt the war; my age is 59.
Q Well, what year did the war between the United States and the Confederacy begin? A I was mustered into the service on July 11, 1862.
Q You don't know what year the war begin? A It must have been in the year 1862a
Q Now, ask him when peace was declared? A In 1865.
Q How long after that did you see Mary Rogers, in Fort Scott, Kansas? A The time I saw her was in the year 1866.
Q You never saw her in Fort Scott, Kansas, after the year '66?
A No, sir, I didn't see her my more until I saw her four years after.
Q Where were these people living at that time, four years afterward, in the Cherokee Nation? A As I stated they rented a house near where I lived, and then afterwards they rented my house.
Q Wh at year was it then rented your house? A I could not state the year, I don't know.
Q You have no idea what year it was? A No, sir.
Q Do you know what year you were married in? A It was about two years after the war closed.
Q Well, what year was it? A I am not able to state.
Q Now, how is it you can state the year and month when you saw this woman in Fort Scott, Kansas, and you can't state the year you were married in, and the year Mary Rogers went in this house of yours, or the year the war begin; how is it that date in '66 fixes itself upon your memory and the other dates do not?

A I have a memorandum of the time I was up there.
Q Have you got your memorandum here? A. No, sir, not with me.
Q Where is it? A It is at home.
Q Have you got a memorandum of the date when you were married?
A Yes, I have a memorandum of that.
Q How many times have you gone out of the Cherokee Nation in your life, since the war began? A That is the only time, just this time I speak of going with cattle men.
Q When did you make your memorandum? A At tha time I was up there.
Q What did you make it in, a book? A Just on a piece of paper.
Q How many sheets had the piece of paper? A Just one sheet.
Q Then you have kept that sheet ever since? A Yes, sir.
Q And there is nothing on that sheet just 1866, is that so?
A Yes, that is on there.
Q Is there anything else on there? A Well thereis two or three things on the memoranda, showing the time I left there with the cattle men and when I was up there and for what purpose I was up there.
Q Was that writing in Cherokee or english? A It is in Cherokee.
Q Well, where have you kept that memorandum, carried it around with you ever since? A Well, it has just been laid away at home.
Q Why didn't it get burned up with the other papers, the record of your birth? A I didn't state that I had anything burned.
Q I thought you said the record of your birth was lost, destroyed?
A Well, that was in the possession of my parents, they lost it.
Q Well, now what did you make this memorandum for, what was the purpose of your making it? A Just for my own benefit, I didn't think it would be of any value to anyone else, just for my own use.
Q Well, the only way you know that Mary Rogers was in Fort Scott, Kansas, in '66 was by this memorandum? A Yes, sir.
Q The reason I know it was in that year and in September, 1866, was the fact I made this memorandum at the time I was up there.
Q If you hadn't made your memorandum you would not have known anything about it? A (No response)
Q Did you remember the year or about the time when they went away from the Cherokee Nation to the Creek Nation? A No, I could not state the year they left the Cherokee Nation, but they lived around near me there for several years.
Q Is your wife living now? A Yes, sir.

Mr. Hastings: The Cherokee Nation desires to give notice to the attorney for Applicant that additional testimony will be offered in this case on Saturday, September 13th, between the hours of eight o'clock, A.M?, and five O'clock, P.M. at Fort Gibson.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his steno graphic notes thereof.

(SIGNED) J. O. Rosson

Subscribed and sworn to before me this 9th day of September, 1901

(Signed) T. B. Needles

Commissioner.

C.F.D. #60-5

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the aforegoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Mattie McDoc

Subscribed and sworn to before me this 26th of October, 1906.

B.P. Ramsey
Notary Public.

C O P Y

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., September 9,1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Philip G. Reuter
Chief Clerk Cherokee Division.

Sworn to and subscribed before me
this 9th day of September , 1902.

B. C. Jones
Notary Public.

SEAL

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, February 2nd, 1903.

In the matter of the application of Lillie Lowe for the enrollment of herself and children, Ransom, Evalina and Bertha Lowe, as Cherokee Freedmen.

Cherokee F/398.

Lillie Lowe, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Lillie Lowe.
Q. How old are you? A. I am very near 27 years old.
Q. What is your post office? A. Bristow at present.
Q. What is your mother's name? A. Her name is Rogers--Robbins.
Q. Mary Robbins now? A. Yes, sir.
Q. Is that your brother who just left the stand?
A. Yes, sir.
Q. Your father's name was Tosh Rogers. A. Yes, sir.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. Have you always lived in the Cherokee Nation? A. Well, I did live there always until here lately.
Q. Where are you living? A. I live close to Tulsa.
Q. In the Creek Nation? A. Yes, sir.
Q. You have always lived in the Territory? A. Yes, sir; always lived in the Territory.
Q. Are you claiming your rights through your mother or father? A. I don't know which. They was both freedmans.
Q. Do you remember your father, Tosh Rogers? A. Yes, I remember him.
Q. When did he die? A. I couldn't tell you what year he died in. It has been a good while since he has been dead.
Q. Do you know when your father, Tosh Rogers, came back from Kansas? A. No, sir; I don't. I couldn't tell about that.
Q. You lived with your mother until you got married?
A. I lived with my grandmother most of the time.
Q. What was her name? A. Her name was Jennie.
Q. Jennie Rainerew? A. Yes, sir.
Q. What is your husband's name? A. Will Lowe.
Q. Is he a Freedman? A. No, sir; he is Creek.
Q. Creek Indian or Creek Freedman? A. Creek Indian.
Q. When were you married. A. We were married in '97, I think.
Q. Your husband's name, you say, is Will Lowe?
A. Yes, sir.
Q. You say he is a Creek Indian? A. Yes, sir.
Q. Do you know whether he has been enrolled as a Creek Indian?
A. Yes, sir.
Q. He has been enrolled? A. Yes, sir.
Q. Has he taken his allotment there? A. I guess he has. I don't know whether he has.
Q. How many children have you? A. Three.
Q. Is Will Lowe the father of all of them? A. Yes, sir.

Q. What are their names? A. Ransom, Evalina and Bertha.
Q. You and your husband have been living together since you were married? A. Yes, sir; we have until now. We separated.
Q. Do you know whether your husband made application for your three children to be enrolled as Creeks? A. No, sir; he never has.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 24. day of April, 1903.

Samuel Foreman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Melvin, Indian Territory, October 10, 1906.

In the matter of the application for the enrollment as Cherokee freedmen, of Mary Robbins et al., consolidating the applications of James Rogers D-60, Mary Robbins et al. 389, Albert Rogers 397 and Lillie Lowe et al. 398, the records of this office show that on July 19, 1906, there was remanded to it for rehearing and readjudication the Cherokee freedman case of James Rogers, said case to be consolidated with the cases of Mary Robbins, Albert Rogers and Lillie Lowe et al; that on August 30, 1906, the principal applicants in the case, their attorneys and the attorney for the Cherokee Nation were notified that the case would be taken up for hearing at the office of the Commissioner on September 27, 1906; that the testimony of Dorcas Buffington, on behalf of applicants, would be taken at Melvin, Indian Territory, on September 25, 1906; that on September 19, 1906, it was stipulated by the attorneys for applicants and the attorney for the Cherokee Nation that the case should be continued until October 11, 1906, and the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, should be continued until October 10, 1906, on which latter date the following proceedings were had.

This case having been set for hearing on this date at Melvin, Indian Territory, and there being no notary or officer present authorized to administer oaths, it is agreed between the attorney for applicants and the attorney for the Cherokee Nation that the testimony of the witness, Dorcas Buffington, be taken, and that the same have the same force and effect as if she had been regularly placed under oath.

APPEARANCES: (James M. Givens appears on behalf of applicants.
(W. W. Hastings appears on behalf of the Cherokee Nation.

Mr. Givens:

Q What is your name ? A Dorcas Buffington.
Q Your post office address is Melvin, Indian Territory ?
A Yes, sir.
Q Are you a Cherokee citizen ? A Why, Yes, sir.
Q How long have you lived in the Cherokee Nation ? A I have been born in the Cherokee Nation.
Q Do you know about how old you were when the war between the north and south in the United States broke out ? A When we started to this country from Tennessee I was 12 years old. My old boss had my name in his bible.
Q You were born in the old Cherokee Nation ? A Yes, sir.

Q You were a grown woman then when the war broke out ? A Yes, sir.
Q What was your husband's name who was living when the war broke out ? A Harry Buffington.
Q Do you know Mary Rogers who is an applicant for enrollment as a Cherokee freedman ? A I know the very woman she belonged to. She belonged to old Sarah Rainsrow.
Q Who owned Mary Rogers (now Mary Robbins) at the time the war broke out ? A Manny Benge.
Q Do you know whether Mary Rogers (Mary Robbins now) went north during the war and out of the Cherokee Nation ? A Yes, sir, she went up to Fort Scott.
Q Where were you living at that time, what place ? A I went right off of a place we had moved to Illinois down to a Cherokee man's name Oonesnoooee.
Q You were living in the Cherokee Nation then when the war broke out ? A Why, Yes, sir.
Q Are you totally blind now - can you see at all ? A I cannot see one thing what has in this world.
Q How long have you been blind, about how many years ? A Two years this here last June. In the morning I got up and I was blind. Going on three years now.
Q You remember when the war was going on between the north and south ? A Yes, sir, I remember it.
Q You remember when the war was over ? A I don't mean the date, but do you remember of hearing when the war was over ? A. Yes, sir.
Q What kin is Mary Robbins to you ? A She is my sister's daughter.
Q Do you know whether or not your husband took any steps to notify Mary Robbins and others to come back after the war was over ? A We sent out word to them particularly because they was my people.
Q Sent them word it was necessary for them to come back ? A Yes, sir, if they wanted a right they better come right away.
Q Do you know when Mary Robbins came back, what time of the year it was ? A No, sir, I don't know.
Q Do you remember whether it was in the fall or in the spring ? A We was gathering in our things we had raised. I believe we had dug potatoes.
Q You had dug your potatoes you think when she came back ? A Yes, sir.
Q Do you dig your potatoes in the fall of the year after they are through growing ? A Yes, sir, after the frost falls on them.
Q When Mary Robbins came back did she go to your house ? A Yes, sir, she came right to my house.
Q Who was with her when she came to your house ? A Cant remember who it was now.
Q Did she have any children when she came back to your house ? A She had a little boy with her.
Q Do you remember his name ? A No, sir, I do not.
Q Now your husband sent word to them up in Kansas that they must come back ? A Yes, sir, if they wanted any rights.
Q Do you know whether she came back in time ? A Yes, sir, she came back in time.
Q Now can you remember how many crops you had raised after the war was over before Mary Robbins came back ? A Raised a crop this side of Gibson at the Wilkins place there, and then he bought that place where Mary came from here and that made two crops.

Q That was the crop that you raised up here was the crop that you speak of as having gathered your potatoes ? A Yes, sir.

Cross-Examination.

Mr. Hastings:

Q Do you know what year this is ? A This here now ? Why, No, sir.
Q You don't know one year from another ? A I used to. When I had eyes to see I had a better mind than I have got now.
Q You don't know what year then you first saw Mary after the war ? A I don't know.
Q Who did she come back with ? A I don't remember who she did come back with, but I know she came and we were all glad to see her and tell her she got here inside the limit.
Q How long did she stay there ? A She stayed there several months.
Q About how long did she stay there before she went back to Kansas ? A Until after her child was born.
Q What was that child's name that was born there ? A Jim Rogers.
Q Then did she go back to Kansas ? A She went back when she got able - went after the balance of her things.
Q When she came back the next time how many children did she have the second time ? A Went right there and back.
Q How long was she gone ? A She was not gone very long. Now you are questioning me too much. I believe that is another man talking to me.
Q How long was she gone ? A I don't know. You talk to some of the balance 'cause the lawyer sent for me here.
Q I am asking you how long she was gone ? A I don't know how long she was gone.
Q Three or four years ? A No, sir, she went right up there and came back after she got able to go.
Q When did you first see Tosh Rogers ? A I always did know Tosh Rogers ever since she had been living with her.
Q Well Tosh Rogers came back with her the next time ? A Not until she got there - stayed up with the man she is living with.
Q How long after she came before Tosh came ? A It was a good bit before he got off.
Q Did Tosh come with her the second time ? A No, sir, he told me he would be on as quick as he paid Wilson.
Q Now the first time she came did she come with a man by the name of Joe Brown from Gibson Station ? A Joe Brown was my son-in-law. He might have brought her.
Q You recollect the circumstance of her coming the first time ? A I do because we were looking for her.
Q You remember who brought her ? A I don't know who came with her at that time, but I remember something about Joe Brown. He might have brought her. There was no trains running when she came.
Q How did she come from Gibson Station then ? A When she came she didn't come from Gibson Station since I stated about it.
Q Where did she come from ? A From Kansas, Grand Island Nord.
Q Who did she come with ? A I don't know.
Q You have got no idea about that at all ? A No, sir.
Q Did she have any children at all when she came ? A She had a little boy with her.
Q What was his name ? A Tonnie.

Q How old was Tennie ? A I don't know. I cannot tell you anything about the age of other peoples children.
Q Was Tennie her child ? A Yes, sir.
Q Called Tennie Rogers ? A Yes, sir.
Q One of Tosh's children ? A Yes, sir.
Q Don't you know that she went back to Kansas and that she had three children born to her before she returned ? A That is what she says. You know I never went nowhere. I never went to Fort Scott.
Q Was she gone long enough to have three children born to her before she returned ? A Yes, sir.
Q Then she was gone some three or four years before she came back ? A Yes, sir, because the war held four years.
Q I mean after she came the first time before she came the second time ? A Yes, sir, she went right up there and came back.
Q Well it was a very short time between the first time and the second time ? A Yes, sir, she went back after she got better.
Q How long did she stay up here before she went back the second time, a month ? A I don't know. I cannot tell you.
Q What is your best judgment ? A I don't know. I have got tired now. Seem like my first testimony ought to tell the truth to you. If I was educated like you I would ask you some back questions.
Q You don't know who was brought back with her the last time she came ? A She didn't bring nobody with her lessen Tennie came with her.
Q Where did she stay the last time she came back ? A She went over to Sam Cloud's place.
Q Where is that place, auntie ? A Not very far over here up between me and Miss Range. I am staying with my daughter, and that place I bought it from this same woman here, Miss Range.
Q Did you and she go over there to live by yourselves ? A Yes, sir.
Q Then Tosh came back with her the last time ? A He might have.
Q Is that your recollection ? A I want to recollect right. I am full as a tick now. You ask me too many questions.
Q Your recollection is not very good, is it ? A No, sir, not now.
Q You don't know when the Wallace roll was made, do you ? A I was at that roll.
Q Do you remember the year ? A No, sir.
Q You don't remember when the Curns-Clifton roll was made, do you ? A No, sir.
Q You don't remember the year do you ? A No, sir, I cannot tell the date of the year.
Q Could you read and write before your eyes went blind ? A No, sir, I went to school with my master's children long time I went to school with them.
Q Can you read and write ? A No, sir, I never could read and write.
Q Now you think that Tosh came back with her the last time she came, do you ? A I think it must have been Tosh.
Q And they lived together down here on the Sam Cloud place, ? A Yes, sir.
Q Is that your best recollection ? A Yes, sir.
Q You were a slave before the war yourself ? A Yes, sir.
Q And Mary Robbins is your niece ? A Yes, sir.

Q And you are not certain who brought her back the first time after the war? A No, sir, I aint certain. I aint certain who come back with her the first time.
Q And you don't know what year it was? A No, sir.

Witness excused.

Wm. L. Martin, stenographer to the Commissioner to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Wm. L. Martin

Subscribed and sworn to before me this the 16th day of October, 1906.

Walter W. Chappell.
Notary Public.

Cherokee Freedmen 389 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., OCTOBER 11, 1906.

In the matter of the application for the enrollment of MARY ROBBINS ET AL., as Cherokee Freedmen.

Applicants appear in person and by Attorney, James M. Givens, of Zevley, Givens & Smith:

Cherokee Nation represented by Attorney, W. W. Hastings.

The records of this office show that the Cherokee Freedmen case of James Rogers was, on July 19, 1906 (I.T.D. 7802-1906), remanded to the Commissioner to the Five Civilized Tribes for rehearing and readjudication, to be consolidated with the Cherokee freedmen cases of Mary Robbins et al., Albert Rogers, and Lillie Lowe, et al.; that on August 30, 1906, the applicants, their attorneys and the attorney for the Cherokee Nation were notified that the case would be set for hearing at Muskogee, Indian Territory, on September 27, 1906; that on September 19, 1906 a stipulation between the Attorneys for the applicants and the Attorney for the Cherokee Nation, was filed with the Commissioner, agreeing that said case should be continued until October 11, 1906.

The same being called for hearing on this day, the following proceedings were had:

NANCY BENGE being first duly sworn by Charles E. Webster, testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. My name? My name now-they used to call me Nancy Benge, then they called me Nancy Raper--Benge.
Q. Then your name is Nancy Benge? A. Yes sir.
Q. What is your postoffice address? A. Melvin.
Q. Indian Territory? A. Yes sir.
Q. How old are you? A. Oh, I am old, just see the gray locks on my head.
Q. Well, about how old? A. Well, I could not tell you, sir, but I am old; my boys have all got gray hair too.
Q. Do you remember the war between the North and South? A. This last war? Of course I do.
Q. About how old were you at that time? A. I don't know, I had two children.

Q. Do you know Mayy Robbins here, who is an applicant for enrollment as a citizen of the Cherokee Nation? A. Yes sir, she is a citizen.
Q. State whether or not you are a citizen of the Cherokee Nation.
A. Yes sir, I ought to be, I was born here.
Q. Was Marry Robbins, who used to be Mary Rogers, a slave of yours?
A. Yes sir, she was.
Q. Did you know her at the time the war broke out? A. Yes sir.
Q. Do you know whether or not she left the Territory, or where she was during the war? A. She went north; I dont know where she went.
Q. Do you know Dorcas Buffington? A. Yes sir.
Q. Did she live in the Indian Territory, during the time of the Civil War, the war between the North and South? A. Yes sir she lived in the Territory.
Q. Mrs. Benge, about what distance did she live from you? A. She lived about three or four miles from us. Right there on the Creek.
Q. Do you remember of hearing when the Civil War had closed; that that is that peace had been declared between the North and South.
A. What year it was?
Q. No, I don't mean the date, but do you remember hearing that peace had been declared? A. Yes sir, of course.
Q. Do you remember of hearing at that time that there was a time within which former slaves must return to the Indian Territory?
A. What time?
A. I don't mean the date- but do you remember hearing that there was a time within which former slaves must return to the Cherokee Nation? A. Oh, yes sir, they must come back.
Q. Do you know whether or not Mary Robbins returned to the Indian Territory, after she had been away? A. What year and what month?
Q. No, do you remember that she returned? A. Yes.
Q. Do you know where she returned to, whose house she came to after she came back to the Indian Territory? A. She came to her Aunt's.
Q. Who was her aunt? A. Aunt Darkey Buffington.
Q. Dorcas Buffington? A. Yes sir.
Q. After Mary Robbins came back to her Aunt's state whether or not she came to your house? A. Yes sir she come to my house.
Q. Do you know how long after she came to Dorcas Buffington's she came to your house? A. I expect just about a week.
Q. Do you know what time of the year it was- whether in the spring or summer or fall? A. I think it was in the fall, I suppose it was in the fall- I can't remember good, just like I used to.
Q. Mrs. Benge, did you hear before the return of your former slave, Mary Robbins, or Mary Rogers, that it was necessary that a slave should return within a limited time in order for the former slave to have rights in the Cherokee Nation?
A. Yes sir.
Q. According to your recollection of what you heard at that time did Mary Robbins return within the time which you understood to be the time within which slaves had to return to the Cherokee Nation?

Objected to by representative of the Cherokee Nation, for the reason that it is calling for a conclusion and opinion of the witness on the question which is now being investigated, namely: the date of the return of the principal applicant in this case.
Commissioner: Objection will be noted. Witness will answer.

A. Yes sir.
Q. I believe you stated that Mary Rogers came to see you and told you that she had just returned to Dorcas Buffington's? A. She had been there a week before she came to my house to see me, and found me right there where she had left me.
Q. When was the next time you saw her, after the time she came to your house, after she came to Dorcas Buffington's?
A. She was just staying with her aunt, Darkey Buffington.
Q. While Mary was staying at Darkey Buffington's, did you see her more times than the time she came over to your house to see you? A. Yes sir, I seed Mary all the time.
Q. Can you remember what year it was that you first saw her after she came back from being away? A. After she cam back from away up there?
Q. Yes, ma'am? A. She came back in '66, as near as I can recollect.
Q. Mrs. Benge, what makes you remember that it was in '66?
A. Why, I heard it, everybody was talking about it.
Q. Was this after peace had been declared? A. Yes sir.
Q. Can you remember about how long it was after youheard that peace had been declared between the North and South, it was until you saw Mary Robbins at your house? A. It wasn't long No sir, they was all coming back.
Q. When you say they were all coming back,who is it you mean?
A. Oh, everybody--that went away from the Indian Territory.
Q. You mean Indians and colored people were coming back?
A. Yes sir, all the people.
Q. Mrs. Benge, when you first saw Mary Robbins, after her return you think it was in the fall of the year? A. I guess it was in the fall like, it has been so long I have forgot just about that.
Q. What makes you think, Mrs. Benge, that it wasin the fall; can you remember whether the crops were gathered when she came back-- is there anything to make you remember whether the crops had been gathered that year when you first saw Mary Robbins after her return? A. No sir, I don't

By Mr. Hastings:

Q. Mrs. Benge, can you read and write? A. No sir, I can not.
Q. Do you know what year the big Cherokee Strip payment was made?
A. No sir, I do not remember anything like that.
Q. Do you know one year from another? A. No sir, I don't really.
Q. You don't know this year from any other year?

A. No sir.
Q. You was over at Melvin yesterday and heard the examination of Dorcas Buffington? A. Course I was there, you was over there.
Q. And you heard it? A. Yes sir.
Q. When you testified before the Commission before, at Fort Gibson, April 12, 1901, you did not, at that time, say anything about Mary Robbins coming back to Dorcas Buffington's did you? Did you? A. You all didn't ask me that question. You all never mentioned it, any of you.
Q. Did her husband come with her? A. No sir, he never come.
Q. How many children did she birng with her? A. Nary one- only one,
Q. What was its name? A. Tony.
Q. How many years after the war was that? A. When she come?
Q. That is what I asked you? A. Well I couldn't answer that; I don't feel right---

Commissioner:

Just take your time, you are sworn to tell the truth and all the truth; that is all we want, take your time and answer the very best you can, you will not be hurried.

Witness:

I do not like to be cross-questioned, just ask me right straight along and I will answer.

Mr. Hastings:

Q. How many years after the war was that? A. When she came back?
Q. Yes? A. What year was it?
Q. How many years after the war? A. It wasn't quite a year, maybe, you see Mr. Hastings, us Cherokees that can't read and write, we don't know things like that, we just know it is day and it is night, and another day, when the chidkens crow we know it is pretty near day; just know days and nights.
Q. And that is all you know about time? A. No, I know something about it, but I don't like to have you cross question me.
Q. Have you been married since the war? A. No sir.
Q. Never have? A. Since the war, you say? Of course I have
Q. How many times? A. I lived with my man until he died, and after he died I never married any more.
Q. When did he die? A. It is me you are trying is it? not her.
Q. I am asking you what year your husband died? A. I don't know what year it was?
Q. Then I understand you do not know one year from another, do you?

(Witness does not answer)

Commissioner: Answer his question-Do you know one year from another? A. Of course, I do.

Mr. Hastings:

Q. You do? A. Yes, of course, Lord A'mighty, of course.
Q. Well, can you tell us any year that any per capita payment wasmade, since the war?

A. That is--I don't understand you.
Q. Can you tell us any year in which a per capita payment was made since the war? A. Well, her trial don't go that far does it?
Q. But I asked you do you know any year that any per capita payment was made? A. But I tell you you don't want to ask me questions about the law, and the old lady and things I don't know anything about.
Q. Now , I ask you if you remember an y year in which a Cherokee payment was made since the war? A. No sir, I do not.
Q. How long after Mary came was it you saw her husband, Tosh Rogers? A. Well, I guess about a year, maybe not so long.
Q. Did she stay here all the time after she came down until her husband came? A Yes sir, she was staying with her aunt; I think so, its been so long.
Q. She stayed there with her aunt? A. She stayed at Mrs Buffington's and then she stayed on Mrs. Brewster's place, and she stayed there till her husband come.
Q. And it was not quite a year after she came down until her husband, Tosh Rogers, came? A. May be a year.
Q. And she never went back up to Kansas? A. She went back up and got her things.
Q: How long was she gone? A. She wasn't gone long, a month maybe, Maybe not quite.
Q. You remember now hearing what Dorcas Buffington swore to yesterday, don't you? A. Yes sir, of course, I did, but I couldn't hear good, I could not hear all she said, she talked so low.

MARGARET SANDERS being first duly sworn by Chas. R. Webster, testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. Margaret Sanders.
Q. What is your postoffice? A. Melvin.
Q. Indian Territory? A. Yes sir.
Q. Do you know how old you are? A. No sir, I do not.
Q. Do you remember the time that there was a war between the North and South in the United States? A. I do.
Q. Were you grown at that time? A. I was a young woman.
Q. Do you know Dorcas Buffington? A. Yes sir.
Q. Do you know Mary Robbins? A. Yes sir.
Q. Where were you bornn, in what nation? A. In the Cherokee Nation.
Q. Did you leave the Cherokee Nation during the war between the North and South? A. Yes sir.
Q. Do you know whether Mary Robbins left the Cherokee Nation during the war? A. Yes sir.
Q. Did you see her after she returned? A Yes sir, I seen her shortly after she returned, at her aunt's.
Q. Who was her aunt? A. Darkey Buffington.
Q. Dorcas Buffington? A. Yes sir.

Q. Was that before peace was declared or after peace? A. It was after peace.
Q. Do you remember what time of the year it was that you saw her at her aunt Darkey Buffington's after peace was declared?
A. It was in the fall when I saw her there.
Q. Do you know how long after she returned to the Cherokee Nation it was that you saw her there? A. I had heard of her about a month or two before ever I saw her.
Q. Can you tell how long after peace was declared it was till you saw Mary Rogers at Dorcas Buffington's house in the Cherokee Nation? A. Year, or year and a half, or two years
Q. Are you sure it was in the fall of the year? A. It was in the fall of the year that I saw her.
Q. What makes you think it was the fall of the year; had the crops been gathered? A. They was gathering in crops.
Q. That is what makes you think it was in the fall? A. Yes sir.
Q. At the time that you saw Mary Rogers, whose name is now Mary Robbins, was her husband Tosh Rogers, with her? A. No sir.
Q. Did you know Tosh Rogers? A. Yes sir, I did.
Q. You say she came back to the Indian Territory after peace was declared? A. A good while after she came back.
Q. I said did you ever see him back in the Indian Territory after peace was declared? A. A good while after she came back back
Q. How far was you living from Dorcas Buffington's house at the time you first saw Mary Rogers after she had returned from her absence from the Indian Territory? A. About four or five miles.
Q. Do you know how long Mary Rogers stayed at Dorcas Buffington's house after her return? A. No sir, she stayed there awhile.
Q. Do you know where she went after she left Dorcas Buffington's house? A. I suppose she went on that place of Houston Benge's I won't be certain about that.
Q. Do you know whether after Mary had returned to the Cherokee Nation she ever left the Indian Territory? A. She went away again, I heard.
Q. You do not know that personally? A. Yes, she went away.
Q. You heard about peace being declared between the north and south, did you? A. Yes sir.
Q. State whether or not you heard there was any time given in which former slaves must return to the Nation in order to get their rights as Cherokees. A. I heard there was a time for them to come in. If they didn't they was barred out.
Q. At that time did you know what the time was? A. They was all to come in; they was to come in in '66, I believe.
Q. But shortly after the war, did you knowat that time what the time was? A. Yes sir, I heard everybody talking about it.
Q. And at that time you knew what people said as to the time for mer slaves must come back in order to receive their rights as Cherokees? A. Yes sir.
Q. From your recollection as to that time, did Mary Rogers, or Robbins, return within that time which you understood to be the time for slaves to return and get their rights?
A. Yes sir, that was it, they said she come in time.
Objected to by representative of the Cherokee Nation, and moved to strike this question and answer from the record, because it is calling for an opinion of the witness.

Objection will be noted.

Q. Do you know James Rogers, the applicant here? A. Yes sir.
Q. Is he a son of Mxy Mary Robbins, also an applicant in this case?
A. Yes sir.
Q. Do you know whether or not James Rogers was born in the Indian Territory? A. He was born up there on the Brewster place.
Q. Is that in the Indian Territory? A. Yes sir.
. Cherokee Nation? A. Yes sir.
Q. Do you know whether or not James Rogers was born after Mary Rogers returned to the Cherokee Nation or before she left here?
A. He was born here; she took him back when she went back to Kansas.
Q. My question was, do you know whether James Rogers was born in the Cherokee Nation after the time that Mary Returned to the Cherokee Nation? A. Yes sir, he was born after she came back.

By Mr. Hastings:

Q. Do you know what year this is, Auntie? A. 1906, aint it, you know I can't read, I don't know anything, I am just telling as well as I know, I think it is 1906.
Q. Do you know? A. I tell you what I think.
Q. Can you read or write? A. No.
Q. What year were you married in? A. I don't know anything about dates, and I never married, I just took up with my man and lived with him.
Q. What year was that? A. About twenty years ago.
Q. What year wasit? A. Twenty years ago-over twenty years ago, and I am living with him yet.
Q. Well, what year was it you took up with him? A. I don't know what year it was.
Q: You don't know what year that was? A. No, never paid no attention to that.
Q. How long after Jim Rogers was born before you saw Tosh, his father
A. I don't--pretty near a year, a long time after she came before he come.
Q. You say she went back? A. Yes sir
Q. And stayed until Tosh came? A. No sir, she didn't come with Tosh, left him there.
Q. Who did she come with the first time? A. I don't know, Joe Brown and his wife met her.
Q. At Gibson Station? A. I don't know, I know they brough her in
Q. They had not been gone long, they were just gone a day or two and brought her in? A. Yes sir.
Q. From Gibson Station? A. I don't know, I just know they met her. I saw them on the road from Wagoner, I met them in the road, they was all walking.
Q. Were they just coming in? A. She was just coming in then, and she went back again.
Q. But this first time, that you met them in the road, she was just coming into the country? A. Yes sir.
Q. And she was with Joe Brown and his wife? A. Yes sir.
Q. And they had been up about Gibsion Station to meet her?
A. There some where.
Q. That was your understanding at that time? A. Over there where Gibson Station is now.
Q. You heard that at the time? A. Yes sir.
Q. How many children did Mary have with her?

A. One boy.
Q. What was his name? A. Tony.
Q. Who did you hear that she went back with, when she went back. to Kansas to where Tosh was? A. I think she went back with a man they called Buck Bushyhead.
Q. Buck lived at Fort Scott Kansas? A. Yes sir. He came in and went back with her.
Q. And when she came in you met Joe Brown and his wife with her in the road? A. Yes sir, they was with her.
Q. You dont know anything about dates and wont swear that? A. Yes sir, I know they said she come in time, in '66, in time.
Q. And you swear to that? A. They said she wasin time, that it was in '66.
Q. About how long did she stay before she went back? A. Nearly two months before she went back, and this boy, Jimmie, was born before she went back.
Q. Were you over at Melvin, yesterday? A. Yes sir.
Q. You haard us question Aunt Dorcas Buffington? A. Yes sir.
Q. You heard all we asked her, and what she said.
A. No sir, I never, I want to tell the truth, myself.
Q. Do you know what year Wallace made a roll? A. I was to the Roll when they made it, but I don't know when it was made.
Q. You don't know what year the Kern-Clifton roll was made? A. No sir.
Q. Do you know any year that you ever drew any money since the war?
Q. I know when they said we was drawing Bread Money.
Q. Do you know what year it was? A. No.
Q. In other words, you remember the circumstances, but not the years? A. Just what I hear people say.
Q. Do you know what year the war closed? A. I know the war held four years.
Q. But you do not know what year it closed in? A. No sir. I aint going to tell anything more than I know.
Q. Have you any children? A. Mary one
Q. Did you ever have any children born to you? A. No sir.
Q. You think it was two or three years after the war that you first saw this woman? A. Not three years.
Q. As many as two ? A. About two years.
Q. About how long after you first saw her until you saw Tosh?
A. She came in here and left him behind.
Q. About how long? A. About a year.
Q. Well, it was about a year from the time when you first saw Mary until Tosh came here? A. Yes sir.

MARY ROBBINS, being first duly sworn by Chas. E. Webster testified as follows:

Examination by Mr. Givens:

Q. What is your name? A. Mary Robbins is my name now.
Q. Who is your husband? A. Heck Robbins.
Q. Were you ever married before you married Heck Robbins?
A. Yes sir.
Q. What was your former husband's name? A. Tosh Rogers.
Q. Where did you marry Tosh Rogers?

A. We lived together here beforethe war, but wex married in Kansas.
Q. Where do you mean by here? A. In the Cherokee Nation.
Q. Did you have any children by Tosh Rogers before the war began?
A. Yes sir, I had one
Q. What was its name? A. ~~Xxxxxxx~~ Tony.
Q. After the war between the North and South began, did you leave the Indian Territory? A. Yes sir.
Q. Before the war were you a slave? A. Yes sir, I was a slave.
Q. To whom did you belong? A. Nancy Benge.
Q. That is the lady who testified here to-day? A. Yes sir
Q. After the beginning of the war did you leave the Cherokee Nation?
A. Yes sir.
Q. Where did you go? A. Went in Fort Scott, Kansas.
Q. At the time you went to Fort Scott, Kansas, did Tosh Rogers, with whom you had been living, go with you? A. Yes sir, he went with me
Q. ~~When you lived in Kansas were you married to Tosh Rogers?~~
A. After we got there a long time that was a long time.
Q. I asked you if you were married? A. Yes sir.
Q. Where were you married to Tosh Rogers in Kansas? A. Why, in Fort Scott.
Q. Why did you marry? A. Why becuase we had lived together here so long, and up there they made us marry
Q. After you got to Kansasdid you have any children by Tosh?
A. After who got there?
Q. After you got up there? A. Yes sir, I was ina delicate state when we left here.
Q. How long after you got to Kansas was it that you gave birth to a child? A. About three weeks, I guess.
Q. What was the name of that child? A. Tommie.
Q. How long did he live? A. He lived a week.
Q. Did you have any other children in Kansas besides Tommie?
A. Yes sir.
Q. How many? A. Two more.
Q. What was the name of the first child you had after that time?
A. Emma was the next
Q. How long did Emma live? A. About two weeks.
Q. Was Emma a full birth child? A. No sir, my health was bad, very bad, and I had to work, and I couldn't get along, she was a seven months child.
Q. What was the name of the other child you had in Kansas? A. Tee.
Q. Was that a boy or girl? A. A boy
Q. How long did he live? A. About two weeks.
Q. Was he born in full time? A. No sir, he was an eight months child.
Q. You state that your health was bad at that ti e? A. Yes sir
Q. Did you do any work in Kansas? A. Yes sir, I worked, I washed all the time I was able.
Q. After you were in the state of Kansas did you ever return to the Cherokee Nation? A. Yes sir.
Q. Where did you come back to in the Cherokee Nation.

A. Why to Uncle Harry's right there.
Q. Harry who? A. Harry Buffington, Aunt Dorcas's husband, and Billy Brown went round and told them all to come home.
Q. Why? A. To go home so we would have a right at home, to get back in '66:
Q. Who was Billy Brown, Indian or freedman? A. A freedman.
Q. And you came back to the Cherokee Nation? A. Yes sir, I did
Q: Who came with you, if any one? Joe Brown--Humes, I got in Humes' wagon there.
Q. Was there any one else in Humes' wagon besides Humes?
A. His wife, and there was a good many of them along.
Q. Did you bring your child, Tony, with you? A. Yes sir.
Q. Did you come straight from Kansas to the Cherokee Nation?
A. Yes sir.
Q. Where did you leave Humes' wagon on your way back?
A. Right over where Gibson's station is now, but there wasn't any station there then.
Q. Was there any railroad there at that time? A. No sir, there wasn't any.
Q. After you left Humes' wagon, where did you go?
A. Joe Brown and his wife knowed I was boning and they met me and we walked.
Q. Walked where to? A. To Aunt Dorcas
Q. Aunt Dorcas who? A. Buffington.
Q. Went to her house? A. Yes sir, right to her house.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. How long did you stay at ~~her~~ house? A. I couldn't tell you sir, a while, but it wasn't sovery long.
Q. Then where did you go? A. Went to Houston Benge's place.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. Then from Houston Benge's place where did you go?
A. To Mrs. Brewster's place.
Q. Do you know James Rogers who is an applicant for citizenship in this case? A. Yes sir, he is my son.
Q. Where was James born? A. Right there in Mrs. Brewster's old log house, and my mother was with me.
Q. Is he a son of Tosh Rogers? A Yes sir, ~~xx~~ he sure is.
Q. Were you with child when you left Kansas? A. Yes sir, with him:
Q. And James Rogers was born after that? A. Yes sir.
Q. What did you do at Dorcas Buffington's. A. Just helped her round,
Q. After you came back to the Cherokee Nation, in the Indian Territory, did you go to see Nancy Benge, your former mistress?
A. Yes sir, I did.
Q. Can you remember how long you had been back in the Cherokee Nation before you went to see her? A. I don't know, didn't pay no attention to that, just went to see her, we was all glad to see one another.
Q. You do not remember about how long you had been back when you went to see her?
A. Well, let me study over it; I guess I had been back about a week when I went to see her.

Do you remember what time of the year, whether in the spring or summer or fall, it was when you came back to the Cherokee Nation? A. It was in the fall.
Q. How do you know it was in the fall? A. Well the leaves falling off the trees, that's the only way I know.
Q. When you came back to the Cherokee Nation did your husband, Tosh Rogers come with you? A. No sir.
Q. Why did he not come back with you, do you know? A. Why, yes sir, I know why.
Q. Why, A. He had to work to pay his debts.
Q. When you came back to the Cherokee Nation after peace was declared did you bring all your household effects with you?
A. No sir, I did not.
Q. How long was it after the birth of your son James until you returned to the state of Kansas? A. He was old enough to carry around, let's see-- I guess he must have been four or five months old, I guess.
Q. Did you take James Rogers back with you when you went back up to the state of Kansas? A. Yes sir.
Q: Did you take your other son, Tony? A. Yes sir, he went back with me.
Q. For what purpose did you go back to Kansas the second time?
A. I went back after what little I had left up there.
Q. Do you know who went with yu when yo u went back to Kansas the second time, after the effects you had left there?
A. Charley Bushyhead. Buck Bushyhead we always called him.
Q. Was he an Indian or a Freedman? A. He was a mixed blood; had been a slave.
Q. When you went back to Kansas how long did you stay there?
A. About a month I guess, not quite that long, about three weeks.
Q. Did you come back then to the Cherokee Nation in the Indian Territory? A. Yes sir, I come back.
Q. Who came back with you besides your children? A. Buck Bushyhead
Q. The same man that took you back to Kansas? A. Yes sir.
Q. Did you bring back your household goods? A. Yes sir.
Q. Did your husband come back with you? A. Not that time, he came soon after.
Q. Do you know why he did not come at that time? A. He said he was not through yet.
Q. Was not through what? A. Working-paying his debts?
Q. When you came back from Kansas the second time, where did you come to? A. Back to the old place where we was living.
Q. What place is that? A. The Brewster place.
Q. After you came back to the Brewster place how long did you stay there? A. About a year, I guess.
Q. Then where did you move? A. Yes sir, then we moved to an Indian man's by the name of Sam Cloud, Sam Cloud's place, bought his place.
Q. Did you have any children besides James born to you after you came back to the Cherokee Nation? A. Yes sir.
Q. Name these children- who was the first one? A. Fannie,
Q. Next? A. Albert.
Q. Next? A. Ed.
Q. Next? A. Frank.
Q. Next? A. Lillie.
Q. Is that Lillie Lowe, an applicant in this case? A. Yes sir. All the rest of my children was born right here.
Q. On the Sam Cloud place in the Cherokee Nation? A. Yes sir,

On the Sam Cloud place in the Cherokee Nation.
Q. Do you know when your husband, Tosh Rogers, died? A. I don't know. That girl down there knows better than me when her father died. I never noticed the months, nor neither the years.
Q. What place were you living when Tosh Rogers died?
A. He died right there at Margaret Sanders's house.
Q. Where were you living at that time? On the Sam Cloud place?
A. I was hired out working then; mother was there.
Q. When you went back to the state of Kansas did you go back there to live or for your goods? A. No sir, I never went back there to live. My home was here and I knowed it. I just went back after my things that I left.

By Mr. Hastings:

Q. For whom was your husband working in the state of Kansas?
A. He just worked for anybody.
Q. Did he ever work in a stable up there? A. Yes sir, he worked in one stable up there.
Q. What was that man's name? A. I-- I forget now-- I just can't remember.
Q. Wilson? A. No sir, Wilson had another man.
Q. Did not your husband ever work for Wilson? A. A very little. He worked other places.
Q. Do you remember when Wilson's livery stable burned down? A. Yes sir.
Q. You were living in Wilson's house at that time? A. No sir, I don't think so.
Q. You know whether you were living in his house; You know when the stable burned down? A. Yes sir, I guess so, I guess we were.
Q. About two hundred yards from the stable? A. I don't know, sir-- Blair's stable burned down, that is the one I remember.
Q. But Wilson's stable burned down- you remember that? A. Yes sir,-- I don't know, sir--
Q. You were living in one of Wilson's houses? A. I guess so; I don't remember.
Q. Is Fannie older or younger than JIM? A. Who did you say? Was Fannie older or younger than Jim? A. Younger than Jim.
Q. How much? A: I don't know. I don't know their ages.
Q. Two years? A. I reckon.
Q. Fannie was born in Fort Scott? A. No sir, she was born right here. She wasn't born in Fort Scott.
Q. How did you happen to meet Joe Brown away out on the prairie when there was no place there to meet him? A. There was a path-way there.
Q. Path-way up to Gibson Station? A. There wasn't any Gibson Station there then.
Q. There was? A. There was a road there, and that man that was with us emptied us out there.
Q. Why did you write him to meet you at Gibson Station?
A. Because I was fixing to move home.

Q. How could you designate a place to meet you? A. Why I went from here.
Q. But how could you designate in a letter to Joe Brown, to meet you at Gibson Station? A. Why they written me where to come.
Q. To Gibson Station? A. There wasn't no station there then; there was a road that comes that way. It is named Gibson Station now, but it wasn't named anything then.
Q. If there was nothing there but bald prairie can you explain to the Commissioner how you designated a meeting place, and how you come to select that place? A. Well, anyhow we got there.
Q. How did you designate that meeting place? A. I don't know sir, I can't tell you now anything about that, but I know how we come in a wagon and got out there.

ELIZABETH C. GOODLANDER, witness for the Cherokee Nation, sworn by Chas. E. Webster, testified as follows:

By Mr. Hastings:

Q. What is your name? A. Elizabeth C. Goodlander.
Q. Your postoffice? A. Fort Scott, Kansas.
Q. How long has Fort Scott, Kansas been your postoffice?
A. All my life, fifty-seven years the eleventh of next November.
Q. What was the name of your father? A. H. T. Wilson.
Q. Did he live in Fort Scott, Kansas? A. Yes sir.
Q. Did you know a colored family during and after the war, the head of which was Tosh Rogers? A. Yes sir.
Q. Did you know his wife? A. Yes sir.
Q. What was her name? A. Mary.
Q. About when did you first learn to know this faily? A. To the best of my remembrance in the year of 1863.
Q. How long did you continue to know them? A. Until November, '72
Q. Had they some children? A. Yes sir.
Q. How many? A. Three to my knowledge.
Q. What were their names? A. Tone, Jimmie and Fannie.
Q. Do you remember whether they were born there? A. It is my impression they were; Fannie was I know, because she was named for my younger sister.
Q. Did this family do any work for your family? A. Yes sir, Tosh was in my father's employ from about '63 until '72, took care of the horses, built fires, worked in the garden some I think.
Q. Did the chores about your father's place? A. Yes sir, what one would expect a man to do around the place. Our house was all heated by grates then and it was more laborious than it is now.
Q. Did his wife live with him all of that time? A. So far as I know.
Q. Did you ever miss her from up there from the time yeuxx first knew them in '63 until about November, '72? A. No sir, unless she was away for a few days, or something of that kind.
Q. Could she have been away for any length of time without you knowing it?

A. I scarcely think so.
Q. On whose place did they live? A. In a house belonging to my mother; the house was included in the wages that Tosh received.
Q. About how far was that from the house your family occupied
A. Well, I would say about one hundred yards, may have been a little more or a little less.
Q. Did they live there continuously until 1872? A. To the best of my remembrance. That was their home when they left Fort Scott, and had been for a number of years.
Q. Why do you fix November of '72 as the time they left there?
A. Well, I was married in December, '72, and we had a barn burned in November, '72, in which both of our carriage horses were burned up. Tosh had been dismissed, and we had a new man, and unfortunately we had only one key to the barn- when Tosh was there we had two keys, but they put up an extra bar across the door and had only one key, and the horses burned up. It is very plain in my mind that in was in November, 1872, that he was there.
Q. Did Mary do work for your family? A. Once in a while, but not often, because we had good steady help in those days.
Q. You know Fannie, her child, was born there? A. Yes sir, I can swear to that, about Jimmie, I cannot say. I think Tone was their child when they came there. They may have had other children and lost them, but these three are very distinct.
Q. Have you ever seen Mary Rogers since she left there? A. No sir.
Q. I will ask you to see if you can identify this woman here?

Witness to Applicant--Don't you remember me Mary?
Applicant: No, I don't remember you ma'am
Witness: But you remember Fannie, my little sister, don't you, I was Lizzie the dark haired one- youremember me?--

Objected to by Mr. Givens on behalf of applicants, as not proper procedure.

Objection will be noted.

Mr. Hastings:

Q. I will ask you now if you can identify this woman?
A. The height is about all I can remember, she has changed and so have I, she may not remember me.
Mr. Hastings: Oh, she remembers you all right.
Objected to by Mr. Givens,
Q. You say that this family of Tosh and Mary Rogers lived continuously in your father's house up until November, 1872?
A. In my mother's house, not on our place.

Examination by Mr. Givens:

Q. That was inside the corporate limits of the town of Fort Scott, Kansas, was it? A. Yes sir.
Q. Now state what period it was that Tosh Rogers and his wife, Mary Rogers lived in that house, your mother's house?
A. It was, I think, the better part between '63 and '72, it may have been that part of the time they lived some other place; because Tosh came with George J. Clark, but they came to my father's employ afterward.
Q. How old were you in 1861? A. In 1861? Twelve years old in November, that year.
Q. You were fifteen years old then in 1863, if I count correctly?
A. Nine from thirteen--four--I was fourteen.
Q. Are you able to identify this woman? A. No sir, I can not. I would not have been, of course, except that you told me the name.
Q. I ask you, Mrs. Goodlander, if you are able to identify this applicant, Mary Robbins, as the woman who was in your father's employ during the period you mention? A. Not in my father's employ; Mary was not in my father's employ-her husband was.
Q. Are you able to identify this applicant, Mary Robbins as the wife of Tosh Rogers who was in your father's employ?
A. No sir, I am not able to say so from the resemblance.
Q. You know that there was a woman by the name of Mary Rogers who lived there at that time, but you are not able to identify this woman here as that woman who lived there?
A. No sir, I am not.
Q. Did you have other servants in your father's employ from 1863 to 1872? A. Not a man, we had some girls.
Q. Who were they? A. We had two white girls, Mary Humphries and Martha Jones. They both came from out on Drywood, Mary lived with us a little less than eight years and Martha the full eight years, both until they were married.
Q. Do you know when Tosh Rogers left Kansas? A. No I do not.
Q. Is he in Kansas at this time? A. No sir, I don't know
Q. Do you know when he left your father's employ? A. Yes sir.
Q. When? A. In November, 1872.
Q. How do you know it was November, 1872? A: Because I was married in December, 1872, and Tosh had been dismissed at Election time, in November., and as I said the barn burned at that time.
Q. Did you suspect Tosh of being opposed to you in the election?
A. No, but he had been dismissed on account of his conduct.
Q. And was suspected of that, being concerned in that?
A. I may say so we never knew--
Q. How old was Tosh at that time? A. I could not make a guess, colored people are harder to tell than white people, he was older than Mary.
Q. Can you make any estimate as to the age of Mary? A. I could not say, she was older than I I would judge.
Q. And you will be fifty-seven next month? A. Yes sir.
Q. How much older than you would you think? A. I could not say, I would judge her to be six or seven years older than I, but I might be mistaken, I was a young woman, and she was married and had children.
Q. What sort of a looking woman was this Mary Rogers you knew, Can you describe her?

A. She was what I would call a dark mulatto, about the height of this woman here, a spare built woman, that is the best I can tell you.
Q: About what size man was Tosh. A. Taller than Mary.
Q. How much taller? A. I could not say.
Q. Dark or lighter? A. Darker than Mary, more African than Indian.
Q. Did they have Indian blood? A. We supposed they were because they came from the Nation; I don't know.
Q. Your only reason for supposing that he possessed Indian blood was that he came from the Nation? A. Yes sir; I had been used to colored people all my life, I supposed he was mixed Indian because he came from the Nation.
Q. Do you know what became of Tosh? A. No sir.
Q. Do you know what became of Mary? A. No sir.
Q. Do you know what became of their children? A. No sir.
Q. You lost all track of them after your marriage? A. After they left our place.
Q. And they left your place about a month before you were married?
A. Yes sir.
Q. When were you first spoken to as a witness in this case? A. Last Sunday evening, about seven o'clock.
Q. By whom? A. By Mr. Keys, here.
Q. What did he tell you? A. That I was wanted here as a witness in this case-- or as a witness.
Q. Did he tell you what was expected to prove by you? A. No sir.
Q. Did he not tell you what he expected to prove by you, -Did he ask you about this case? A. Yes sir, he ~~x~~ asked me if I remembered Tosh.
Q. And you told ~~x~~ him you would come? A. No sir, I told Him I wouldnt
Q. How did you happen to come then? A. I was subpoenaed.
Q. In the state of Kansas? A. Yes sir.
Q. You are here at the expense of the Cherokee Nation?
A. I presume so; at some one's expense not my own.
Q. And you are not able to identify this woman as the woman you knew in Kansas? A. No sir.

By Mr. Hastings:

Q. You do know that the woman you knew in Kansas went by the name of Mary, and that her husband's name was Tosh?
A. I know the woman I knew in Kansas went by the name of Mary, and her husband was named Tosh Rogers.
Q. You know that they had three children, the oldest Tony? A. Tone.
Q. The next Jim and the third Fannie?

Attorney for applicants objects to questionbecause it is leading and suggests an answer and is not proper direct examination.

-- Objection will be noted.
A. I can answer that? -- Yes sir.
Q. You do know that they claimed to have come ~~from the~~ from the Cherokee Nation and to have belonged to Cherokee Indians before the war?

Attorney for applicants objects, because question is leading and is not proper direct examination.

We feel that we are entitled to some protection, Mr. Commissioner. I feel that---

Objection will be noted.

A. I can answer part of that question; that they came from the Cherokee Nation, but as to belonging to Cherokee Indians before the war, I do not know.

Attorney for applicants moves to strike this question from the record because, in addition to his previous objections, it is shown by the witness that she has made no statements, and that there has been no statement, that would warrant this question.

Objection will be noted.

Q Did you ever hear, after they left there, where they went? A. No sir.

By Mr. Givens:

Q. Do you know, Mrs. Goodlander, whether or not the Mary Rogers whom you knew, remained with her husband in the state of Kansas as long as Tosh remained in the employ of your father?
A. To the best of my knowledge I think she did.
Q. But do you know this? A. No sir, I cannot swear to that, to the best of my knowledge she was unless she was a way on a little visit.
Q. Do you know whether or not she was in Kansas at the time your father discharged the man known as Tosh Rogers? A. Yes sir.

MARY ROBBINS,- RECALLED.

By Mr. Hastings:

Q. You can not tell us then, how Joe Brown came to meet you at this particular point?
A. Well, we got a letter to meet us there because that was the road, and we turned off there, there was a path-way from there.
Q. Don't you know that the military road that run from Fort Scott, run right down by Fort Gibson, and not by where Gibson Station is now? A. There wasn't any Gibson station there then, though.
Q. But don't you know the military road run right from Fort Scott to Fort Gibson? A. I do not know.
Q. What year is this? A. I don't know sir; I can't read, and I can't tell what year it is.
Q. You can't read and write? A. No sir.
Q. Do you know one year from another? A. I know when Spring comes, and winter, and then its another year, that's all I know.
Q. Do you know what year Jim was born? A. I couldn't tell you.
Q. Do you know what year Fannie was born? A. They was both born down here, but I couldn't tell you the years. They was both born in The Cherokee Nation.
Q. But you do not know what years? A. No sir, I do not.

Q. Didn't you testify when you were on the stand before that you came back to your old Mistress's Nancy Benge, when you first came?A. I came to Aunt Darkey's and then from there to their house.
Q. Did not you testify before that you came back to your old Mistress? A No sir, I come to Aunt Darkey's
Q. Did not you testify when you was on the stand on April 12, 1901, that you came back to your old Mistress when you first came back after the war?
A. She wasn't living far from there where I come to Aunt Darkeys.
Q. I will ask you if at that time you mentioned Aunt Darkey? A. Yes sir, I suppose so.
Q. I will ask you if when you first made application to be enrolled did you in your entire statement there, make any reference at all to having come back to Dorcas Buffington's, or did you even mention her name? A. Yes sir, I did mention her name, and I stayed there until I moved to Houston Benge's place.
Q. Was Tosh Rogers older or younger than you? A Why he was younger than me, why I am old I tell you, just look at me.
Q. Was Tosh Rogers younger than you? A. Yes sir.
Q. Was he the same Tosh Rogers that worked for Dr. Adair up around Vinita there? A. He drank so much whiskey was the reason he was broke up so bad.
Q. Was he a slave before the war? A. Yes sir.
Q. Was he a grown man before the war? A. Yes sir.
Q. To whom did he belong? A. To Isaac Rogers.
Q. About how old were you when the war came up? A. I had a child before the war.
Q. You had a child when the war came up? A. Yes sir, before the war, when the war come up.

By Mr. Givens:

Q. You saw this woman, Mrs. Goodlander, who testified just a few minutes ago? A. Yes sir.
Q. Did you ever work in the house of her father in Fort Scott, Kansas? A. I don't remember it.
Q. Do you ever see this woman before? A.I don't remember ever seeing this woman at all; I am just telling you the truth, sir
Q. Were either your son Jimmie or your daughter Fannie, born in the state of Kansas? A. That was what she said?
Q. I am asking ye u? A. No sir, she was born on that Sam Cloud place, and this here boy here, he was born on Mrs. Brewster's place.
Q. Jim Rogers was born on Mrs. Brewster's place in the Cherokee Nation, and Fannie was born on Sam Cloud's place? A. Yes sir.
Q. Can there boy any question about that? A. No sir.
Q. Do you know where your children were born? A. Yes sir.
Q. This man who is sitting here is that the Jim Rogers you refer to?
A. Yes sir.
Q; Is this woman here Lillie Lowe your daughter? A. Yes sir.
Q. Where was she born? A. She was born on the Sam Cloud place in the Cherokee Nation.
Q. Was there any other Rogers in Fort Scott? A. Yes sir, there was an old man, an old colored man called Rogers.
Q. You do not know what his wife's name was? A. No sir.
Q. You never heard of him having a wife? A. No sir.

By Mr. Hastings:

Q. You testified that your husband, Tosh Rogers, worked for a man by the name of Wilson? A. That was during the war- just a little while.
Q. You testified that he worked for a man by the name of Wilson before this woman took the stand? A. Yes sir.
Q. You testified also that their barn was burned: A. I told you I heard it, heard a barn was burned up.
Q. You testified that it was after this barn was burned that you came to the Cherokee Nation didn't you awhile ago, before Mrs. Goodlander took the stand? A. (No answer)
Q. Didn't you? A. I told you I heard about it.
Q: You said you heard about it before you left up there, before you came to the Cherokee Nation? A. I heard that place burned but I was down here.
Q. When you was down here? . Yes .
Q. You didn't say that awhile ago, did you? A. (No answer)
Q.
Commissioner:- Whose barn was it you heard was burned, now Auntie, you can answer that?

Q. Whose barn was it you heard was burned? A. Old General Blair's.
Q. But you can remember about Mr. Wilson's barn? A. I don't know about that..
Q. You don't remember about Tosh being discharged at Mr. Wilson's and about him being accused of having something to do with the burning of that barn? A. No sir, I never did hear of anything like that. It is the God's truth, nothing about him burning no barn.
Q. Did you hear that the barn was burned? A. Yes sir.
Q: And you heard about the horses being burned up? A. Yes sir, I reckon everybody heard about that, the whole round world.
Q. Did they get the carriage out? A. I don't know.
Q. Did you ever hear anything about that? A. No sir, I did not.
Q. Did you see the carriage after that? A. No sir, I never, I just heard these things .
Q. You just heard them? A. I wasn't there.
Q. Was Tosh there? A. I don't know whether he was or not .
Q. Where was he? A. I don't know.
Q. In whose house were you living up there after the war? Didn't you testify that you lived in this house of Wilson's?
A. After the war?
Q. Yes, before you came down here? A. No.
Q. Just before you come down here? A. In '66?
Q. Just before you came down here? A. We was living in someone's house, I don't recollect who.
Q. Now, I want you to give the name? A. I don't know sir, it has been so long I just forget.

By Mr. Givens:

Q. You said that while you were in Kansas you heard of another Tosh Rogers living in Fort Scott?
A. Yes sir, there was, he stayed with an old man over across Mill Creek.

Mr. Hastings:

Q. But he did not have any wife? A. I never seen any.
Q. And he did not have any children by the names of Tony, or Jimmie or Fannie? A. They wasn't born up there.

On Behalf of Commissioner:

Q. Have you some children named James Rogers, Lillie Lowe and Albert Rogers? A. Yes sir.
Q. Are all three of these children living at this time? A. Yes sir.
Q. Are they your only children living now? A. Yes sir, the only children I have living.
Q. Your daughter, Fannie Rogers, had a child named Dollie? A. Yes sir
Q. Is Dollie living? A. Yes sir.
Q. How many children has Dollie got? A. Just one living, one died.
Q. What is the name of the one that died? A. Sherman.
Q. How long has Sherman been dead? A. I don't know. She lives here in this Territory.

LILLIE LOWE being first duly sworn by Chas. E. Webster, testified as follows:

On Behalf of Commissioner:

Q. What is your name? A. Lillie Lowe.
Q. How old are you? A. Thirty-two
Q. Youare one of the applicants in this case? A. Yes sir.
Q. You have a minor child have you? A. Yes sir, two, a little girl and this one here--Willie Joanna.
Q. You have some children, Ransom, Evalina and Bertha, also?
A. Yes sir.
Q. Are they all three living? A. Yes sir.
Q. When was Willie Joanna born? A. The 15th day of July, 1903.
Q. You can read and write can you? A. Yes sir.
Q. When was James Henry, this child here, born? A. The third day of March, 1906.
Q. Are you positive as to the date of his birth? A. Yes sir.
Q. On what day of the week was it? A. On Thursday, Thursday morning.
Q. You stated to me awhile ago that it was between nine and ten o'clock in the morning, is that correct? A. Yes sir, between nine and ten in the morning.
Q. Are you positive as to the day of the week? A. Yes sir, it was Thursday.
Q. You know that? A. Yes sir.
Q. Are you quite positive that the child was born on the third day of March? A. Yes sir, on the third day of March.
Q. Well, the calendar shows that the third day of March was Saturday?

A. Well, I may be mistaken. I had the almanac brought to me and put it down. I know it was a Thursday.
Q. You stated awhile ago that you were positive the child was born on Thursday? A. I know it was the third, I thought it was a Thursday.
Q. Who was present at the time of the birth of this child? A. Mamma
Q. Mary Robbins, here? A. Yes sir.

MARY ROBBINS RECALLED:

Q. You are the mother of Lillie Lowe? A. Yes sir.
Q. Were you present when her child, James Henry, was born?
A. I don't know about that; I didn't keep no remembrances of that I can't remember dates.
Q. Do you know what month it was born in? A. In March I think.
Q. Of what year? A. I couldn't tell you at all sir.
Q. Do you know it was March? A. Yes sir, they say its March, well then I can tell its that, you see when anybody cant read they dont know unless somebody tells them.
Q. But do you remember what day of the month this child was born on?
A. No sir, I don't.

LILLIE LOWE RECALLED:

Q. Who else besides your mother was present when this child was born? A. Hannah Anderson.
Q: Was there a doctor waited on you? A. No sir. About Sherman--
Q. Do you know how long this child Sherman, Dollie's child, has been dead? A. Bertha, my little girl will be four years old in March, and Sherman was older than her, he would have been four years old last December.
Q. You made application for the enrollment of your child, James Henry, did you not? A. Yes sir.
Q. Did you know what date a child had to be living to entitle it to enrollment? A. Yes sir.
Q. What day was that? A. The Fifth of July, I believe, wasn't it.
Q. Do you know what day these too late children had to be living to be entitled to enrollment? A. No sir, I don't remember now.
Q. Do you know Mr. Purdy? A. Yes sir.
Q. Is he a colored man or a white man? A. He is a white man.
Q. Do you know where his office is? A. What town?
Q. Yes? A. Bristow.
Q. Is he a Real Estate man? A. He is a Banker; I don't know whether he is a Real Estate man or not.
Q. Did he tell you what day this child was born?A. No sir, he didn't know; he xx asked me.
Q. You say you are positive that this child was born on Thursday?
A. Well, I thought it was on Thursday
Q. Well what do you say about it? A. Why, I- he was born on the Third, since you say that was Saturday, I don't know what day it was.
Q. Why may he not have been born on some other day of the month, and have been born on Thursday, instead of being born on the third of the month and not Thursday.

A. Well, he was born the third day of March, I may have made a mistake in the day, but I know he was born on the third, because I put it on my book at home. I have got all the children's ages down.

JAMES ROGERS, being first duly sworn by Charles E. Webster, testified as follows:

By Mr. Givens:

Q. What is your name? A. James Rogers.
Q. Are you a son of Mary Robbins who testified in this case this afternoon? A. Yes sir.
Q. Are you an applicant for citizenship in the Cherokee Nation?
A: Yes sir
Q. Do you know where you were born? A. Well, I could not tell exactly, but from what my mother said I was born on the Mrs. Brewster's place.
Q. In the Cherokee Nation? A. Yes sir.
Q. From the time when you first remember, where were you living?
A. Up on the prairie, on the Sam Cloud place.
Q. In the Cherokee Nation? A Yes sir.
Q. Were you ever in the state of Kansas, so far as you know?
A. No sir, never have been.
Q. Never have been in the state of Kansas? A. No sir

By Mr. Hastings:

Q. You were born since the war? A. Yes sir.
Q. You don't know anything about where you were born except what your parents tell you? A. No sir, of course that's all.
Q. You don't know where you were until you got old enough to remember?
A. Not till I got old enough to remember.

Commissioner:

Q. Where have you lived all your life? A. After I left the Cherokee Nation I lived here in the Creek Nation, over here the other side of the Mission.
Q. Ever live out side of the Indian Territory? A. No sir, never did.

BASS HARLIN, being first duly sworn by Charles E. Webster, testified as follows, on behalf of Cherokee Nation.

By Mr. Hastings:

Q. What is your name? A. Bass Harlin.
Q. What is your postoffice? A. Melvin, I: T:
Q. How old are you? A. I am about sixty-nine years of age this last December
Q. Then you were a grown man when the war come up? A. Yes sir.
Q. How long have you lived in or about Melvin? A. Ever since I was freed.
Q. Are you on the Freedman Roll? A. Yes sir.
Q. How far do you live from Dorcas or Darkey Buffington?

A. About a mile and a half, now where I live.
Q. Have you always lived neighbor to her since the war?
A. Yes sir.
Q. Do you know Mary Robbins? A. Yes sir
Q. Did you know her former husband, Tosh Rogers? A. Yes sir
Q. Do you know her son, James Rogers? A. Yes sir.
Q. Did you know Tosh Rogers and his wife Mary, now Mary Robbins, before the war? A. I knew Tosh, I wasn't acquainted with his wife.
Q. Did not know his wife. A. No not then.
Q. Now, just after the war where did you live? A. Just after the war?
Q. Yes? A. I lived on the old Moore place, about a half a miled from Uncle Harry Buffington and Aunt Dorcas Buffington.
Q. How long did you live within a half mile of the Buffingtons?
Q. Until the next fall. A Year.
Q. Have you always lived in the same neighborhood--within a mile or two? A. Yes sir, always lived right in the neighborhood, right there.
Q. How long was it after the war before you saw Tosh Rogers or his wife, Mary Rogers, at Darcus Buffington's or in that neighborhood? A. Six or seven years. About seven years.
Q. After the war? A. Yes sir, to the best of my knowledge.
Q. Do you know when they first came back there after the war whether or not they had some children? A. When they first came?
Q. Yes? A. Yes sir.
Q. How many children did they have? A. I remember two right at the time I saw them. A sucklin child.
Q. Do you know whether Jim was born then? A. Well it seems to me they had a boy and a girl, and it must have been Jimmie as well as I can remember, I am here to never lie.
Q. Do you recollect the girl's name? A. No sir, I was made acquainted with her at Aunt Darkey's.
Q. Did you hear where they came from? A. They told me they came cfrom Fort Scott.
Q. That was six or seven years after the war? A. Yes sir.
Q. Did you ever hear of them being down there or living down there in that neighborhood, after the war? A. No sir, I didnot.
Q. Did Mary and her husband, Tosh, come there together? A. No sir.
Q. Which came first? A. She came a little first.
Q. About how much before her husband? A. It was as well as I can remember, as well as I can get at it to be staright, two or three weeks maybe, ahead, he come after wards.
Q. Do you know whether they came on the train or not?
A. No sir, I don't know that.
Q. About what aged man was Tosh Rogers when the war came up?
Q. He was an old settle d man; I worked under him at the slaughter pen at Mr. Alberty's putting up beef for the soldiers.
Q. How old do you think he was? A. Forty or fifty years old.

Cherokee Freedmen 389 et al. #24

By Mr. Givens:

Q. Where were you born? A. I was born here in the Territory.
Q. Where? A. I was borned on a little creek they call Sallisaw, above Sallisaw Station. My old boss lived up there.
Q. In what Nation is that? A. In Flint.
Q. Flint Nation? A. Cherokee Nation, Flint District.
Q. When were you born? A. Oh, I couldn't answer that.
Q. Don't you know dates? A. No sir.
Q. Do you know when the war broke out, what year that was
A. Sixty-one wasn't it?
Q. You think it was '61 when it borke out? A. You see I never was learned anything like that; I was a slave boy.
Q. Whose slave were you? A. Eli Harlin's, and after he passed away Delilah Harlin's.
Q. Where were you during the war? A. In the Choctaw Nation.
Q. Do you know how long the war lasted? A. Four years.
Q. When did you come back to the Cherokee Nation? After the war?
A. I come right back with her.
Q. How soon after the war? A. Why, just as soon as the treaty was passed, why the old lady told me to hitch up and we come right back up here.
Q. Where did you come to? A. Right back up to the Falls here, and then to Cooweescoowee and then to the old place.
Q. How long did you stay at the Falls? A. About a week, just to rest.
Q. Then up to Cooweescoowee? A. Yes sir.
Q. How long did you stay up there? A. I Just left some of the family there.
Q. How long did you stay there? A. About four or xx five days.
Q. Then where did you go? A. Down on Fourteen Mile Creek, where I am living now.
Q. And you have lived the same place ever since? A. Yes sir, went to work right there.
Q. Do you know Mary Robbins, the applicant here? A. Yes sir.
Q. When did you first become acquainted with her?
A. It was about seven years after I came here that I became acquainted with this woman to the best of my remembrance.
Q. Where was she living then? A. With old mother Darkey. Mrs. Buffington, she made me acquainted with her.
Q. Was there anybody with her? A. She was just sitting down by the fire there witha child; I was there making rails.
Q. How old was the child? A. I don't know sir
Q. A babe? A. Yes sir a baby, she had it in her lap.
Q. Just saw one child? A. Yes sir, she was sitting there by the fire
Q. How many children did she have, if your know, at that time?
A. There was xxx another one they had.
Q. How many children did she have? A. I didn't see but two.
Q. Were they boys or girls? A. I don't know sir, whether the infant was a boy or a girl, I couldn't say.
Q. Did you see any other children besides this infant that she had in her lap? A. I didn't pay any attention. There was a little boy there but I didn't know whether it was hers or not,
Q. You think the boy might have been hers and xx may have been some one elses? A. Must have been hers--
Q. Why? A. Because you know children live with their mothers.
Q. How old? A. A small boy.

Q. About how old, give your best judgment, according to your best judgment, about how old was this little boy you saw around the house there.
A. I couldn't tell you at all sir.
Q. Was he two years old do you think? A. That's something that I don't want to be called to.
Q. Well, you saw these children? A. Well, I couldn't tell you, Mr.
Q. State whether or not you are able to tell about how old this boy was? A. May have been three or four years old, just a small boy?
Q. May it have been ten years old? A. Three or four years old.
Q. Have you ever been convicted of any crime? A. No sir, I haven't you would find it on the records, and I never have

JOE ROGERS, being sworn by Charles E. Webster, testified on behalf of Cherokee Nation as follows:

By Mr. Hastings:

Q. Your name is Joe Rogers? A. Yes sir.
Q. How old are you A. Sixty-two.
Q. Where were you born? A. On Grand River.
Q. In the Cherokee Nation? A. In the Cherokee Nation, yes sir.
Q. What is your present postoffice address? A. Melvin.
Q. Have you always ,lived in that neighborhood? A. Ever since the war. I am living about ten miles from where I was born.
Q. Do you know Mary Robbins, whom used to be Mary Rogers?
A. Tosh Rogers family?
A. Yes ? A. Yes sir.
Q. Did you know Tosh? A. Yes sir, I did.
Q. Did you know him before the war? A. Yes sir.
Q. Were you ever with him any before the war? A. Yes sir.
Q. Did you work with him? A. Yes sir. I rode races under him when I was a boy.
Q. Did you know his wife, Mary? A. Yes sir.
Q. Do you know his son, Jim? A. Yes sir.
Q. Where were you living just after the close of the war?
A: After the close of the war?
A. Yes? A. I lived at Fort Gibson a awhile, stayed there with my sister and brother in law, and went from there up on the Grand and stayed up about Eli Spear's.
Q. On Fourteen Mile Creek? A. Yes sir.
Q. Do you know Dorcas Buffington? A. Yes sir?
Q. How far did you live from her after the war? A. About three-quarters of a mile, or a mile.
Q. About how long was it after the war before you seen Tosh Rogers or his wife in that neighborhood where Dorcas Buffington lived?
A The first I remember seeing them was about six or seven years after the war?
Q. Do you know where they came from? A. From Kansas, I guess
Q. Did you hear that at the time?

Objected to by attorney for applicant. Hearsay evidence not competent.

Objection will be noted.

A. Yes sir.
Q. Then you heard they came from Kansas? A. Yes sir
Q. Did they have any children when they came from Kansas?
A. Yes sir.
Q. How many, do you remember? A. I remember there was three or four, they took some off with them and brought some more back with them.
Q. Had one they took off with them? A. Had one they called Tony.
Q. Did they bring him back with them? A. I don't know ; I think they did.
Q. Where was Jim born, do you remember? A. I don't remember that, I don't remember whether he was born on Grand River or in Kansas.
Q. Did he come back with them when they came from Kansas? A. Yes sir
Q. Did they have any others besides Jim at that time? A. Yes sir.
Q. And you think they came back six or seven years after the war?
A. To the best of my knowledge.
Q. You were living right there in the neighborhood? A. Yes sir
Q. You were living about three-quarters of a mile from Aunt Dorcas Buffington? A. Yes sir
Q. You say you knew Tosh Rogers well before the war?
. Yes sir, knew him ever since I knew anybody.
Q. Was Tosh older or younger than you? A. Lord, yes, he was an older man.
Q. About how old was he when the war come up? A. I couldn't tell, I don't know, if he had gray hairs or not.
Q. Was he a middle aged man? A. Yes sir, he was.
Q. Forty or fifty years of age perhaps? A. Somewheres along there.

By Mr. Givens:

Q. Are you a Cherokee by blood? A. Yes sir, Cherokee by blood and darkey both.
Q. Were you a slave? A. No sir, I wasn't a slave.
Q. You are a mixed blood? A. Yes sir.
Q. What is your name? A. Joe Rogers.
Q. Are you any kin to Tosh Rogers? A. No sir.
Q. Where did you live during the war? A. I lived in the Army. I served in the Thrid Indian Regiment, until they mustered us out in Fort Gibson.
Q. Was your regiment stationed in the Indian Territory? A. Yes sir
Q. Did you ever leave the Indian Territory during the war?
A. I went out with the Army.
Q. When did you come back? A. After the war .
Q. What time after the war? A. I was mustered out at Fort Gibson; come back here in '66 after the war and was mustered out at Fort Gibson. I was taken prisoner during the war, and I come back here and made application for my discharge and was discharged in '66.
Q. At Fort Gibson? A. Yes sir. Q. In '66? A. Yes sir.
Q. Do you know what year this is? A. 1906. Aint it?
Q. What did you do when you came back? A. I worked here; worked at the works at Fort Gibson, and drove cattle some and teamed some.
Q. How many years did you live at Fort Gibson after you came back and were mustered out? A. I didn't live at Fort Gibson nary year.
Q. Well, where did you live after you came back? A. On Fourteen Mile Creek.

Q. That is a long creek, to whose place did you come?
A. I come to Kate Knight's some and ~~in~~ at Watt Bolden's and some at Eli Spears's
Q. Where did Eli Spears live? A. At Melvin.
Q. Now, during what years was it you were in the employ of these people you have mentioned? A. I worked for Kate Knight, I was there in '66 and '67 and I was there in '68, and I taken a wife in '69 and settled in the Nation.
Q. You were married in '69? A. Yes sir.
Q. Where did you live after you were married? A. There about three-quarters of a mile from Doreas Buffington.
Q. How close to her did you live before yo. were married?
Q. About two miles where I had been living.
Q. And during that time you were working sometimes in Fort Gibson?
A. I worked around wherever I could get a job; I drove cattle and drove team, I took some jobs from the Sheriff and I made some crops.
Q. You worked about the country wherever you could get employment?
Q. Yes sir, and I worked for the sherrif
Q. Did the Sheriff ever have you in his custody? A. No sir
Q: You were just working for him? A. I would be deputized to do duty as guard, to guard prisoners you know and hunt them up.
Q. Hunt what? A. Why, horse thieves and people doing depredations again the law.
Q. You were doing that before you married, what did you do from '66 to '69, before you got married? A. Well, sir, I have told you just as plain as I can tell you, I can't tell you again?
Q. Why? A. Because its not necessary to do that; I told you once.
Q. Where did you work in '66? A. Why, Mr., I told you.

Commissioner: Answer his question.
A.I did my work in '66 part of the time at Fort Gibson, part of the time on Fourteen Mile creek, and part of the time just wherever I could get a job.
Q. Where did you make a crop after '66? A. I made a crop for Kate Knight.
Q. Where did Kate Knight live, where did you make this crop?
A. Kate Knight lived about a mile and a half from where Melvin is now.
Q. And you made a crop there in '67? A. Yes sir.
Q . In '68 where did you work? A. In '68 I worked, drove team some in '68, drove cattle some in '68.
Q. Where? A. I drove cattle some in '68. In '68 I went with a bunch of cattle from the Choctaw Nation to Springfield, Missouri, working for Mr. Robb here, and I come here that was just before I was married, when I was fixing to take me a woman.

Mr. Hastings: M We ask to stipulate in the record that Gibson Station was the terminus of the M. K. & T. Railroad, and was started about 1871 or 1872. That is an historical fact.

Mr. Givens: I do not know that it was; I am willing to m stipulate whatever it was.

JAMES M. KEYS being duly sworn by Charles E. Webster, testified as follows:

By Mr. Hastings:

Q. Your name? A. My name is James M. Keys.
Q. Your postoffice? A. Pryor Creek, Indian Territory.
Q. Your age? A. Sixty-three years.
Q. I will ask you when the town of Gibson Station was started, if you know? A. In 1872.
Q. You have heard the testimony of these witnesses? A Yes sir.
Q. And you know that that is the same Gibson Station to which reference has been made in the testimony? A. Yes sir.
Q. This Gibson Station up here north of Muskogee? A. Yes sir.

By Mr. Givens:

Q. How do you know Gibson Station was started in 1872?
A. I resided at that time about two miles from Gibson Station, and I hauled stone to build the culverts there just north of Gibson Station.
Q. For the M. K. & T. Railroad Company? A. Yes sir. It was in 1871 I hauled the st one there.
Q. Are you one of the attorneys for the Cherokee Nation?
A. No sir, I am special marshall for the Cherokee Nation?
Q You assist in securing witnesses for the Cherokee Nation in these cases? A. Yes sir.
Q. You secured or assisted in securing the witnesses who testified today? A. Yes sir.

By agreement between the attorney for the applicants and the attorney for the Cherokee Nation, this case will be closed and a decision rendered on the evidence introduced.

Mr. Givens, attorney for applicants, states that he desires to file a brief in the case, and asks that the usual time be allowed him.

The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

SEAL (SIGNED) Lucy M. Bowman

Subscribed and sworn to before me this 15 day of October, 1906

(SIGNED) B. P. Ragsus
Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Mattie M. Pace

Subscribed and sworn to before me this 24 day of October 1906.

Chas E Webster
Notary Public

(C O P Y)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Robbins, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Robbins, et al.....Cherokee Freedmen 389
Lillie Lowe, et al.....Cherokee Freedmen 396
Albert Rogers.....Cherokee Freedman 397
James Rogers.....Cherokee Freedman D60

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the commission to the Five Civilized Tribes by Mary Robbins for herself and minor grandchild, Dollie Rogers, who, prior to September 1, 1902, was married to one Will Jones, and will now be listed for enrollment as Dollie Jones; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on December 12, 1901, of Sherman Jones, son of the applicant, Dollie Jones; by Lillie Lowe for herself and minor children, Ransom and Evalina Lowe; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on March 29,1902, of Bertha Lowe, child of the applicant, Lillie Lowe; by Albert Rogers for himself, and by James Rogers for himself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, granting the applications for the enrollment of Mary Robbins, Dollie Jones (Rogers), Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers as Cherokee freedmen, and that their names are included in a partial roll of freedmen citizens of the Cherokee Nation approved by the Secretary of the Interior November 16, 1904, opposite Nos.3280, 3281, 3282, 3287, 3288, 3289, 3290 and 3286, respectively, and that on June 30, 1905, said Commission rendered its decision herein, denying the said James Rogers the right to enrollment as a Cherokee freedman, which decision was, on same date, duly forwarded the Secretary of the Interior for his review and decision. Thereafter on July 19, 1906 (I.T.D.9862-05,7502-06), a motion to reopen the case of James Rogers, having been filed in behalf of said applicant, the Department remanded his case to this office with instructions to notify the applicant, James Rogers, that he would be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. Said Departmental letter directed this office to consolidate on the rehearing

and readjudication of the case of James Rogers, Cherokee freedman D60, the cases of Mary Robbins, et al., Cherokee freedmen 389, Albert Rogers, Cherokee freedman 397 and Lillie Lowe, et al., Cherokee freedmen 398. Further proceedings in the matter of said application were had at Melvin, Indian Territory, October 10, and at Muskogee, Indian Territory, October 11, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mary Robbins, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., as provided by paragraph two of Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137), for the return of freedmen to said Nation. The evidence further shows that all the other applicants herein are descendants of the said Mary Robbins, born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendents. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe, Albert Rogers and James Rogers are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Dec 3, 1906.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Robbins, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Robbins, et al.....	Cherokee Freedmen	389
Lillie Lowe, et al.....	Cherokee Freedmen	398
Albert Rogers.....	Cherokee Freedman	397
James Rogers.....	Cherokee Freedman	D60

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Mary Robbins for herself and minor grandchild, Dollie Rogers, who, prior to September 1, 1902, was married to one Will Jones, and will now be listed for enrollment as Dollie Jones; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on December 12, 1901, of Sherman Jones, son of the applicant, Dollie Jones; by Lillie Lowe for herself and minor children, Ransom and Evalina Lowe; thereafter on August 30, 1902, there was filed with the Commission to the Five Civilized Tribes an affidavit showing the birth, on March 29, 1902, of Bertha Lowe, child of the applicant, Lillie Lowe; by Albert Rogers for himself, and by James Rogers for himself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, granting the applications for the enrollment of Mary Robbins, Dollie Jones (Rogers), Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers as Cherokee freedmen, and that their names are included in a partial roll of freedmen citizens of the Cherokee Nation approved by the Secretary of the Interior November 16, 1904, opposite Nos. 3280, 3281, 3282, 3287, 3288, 3289, 3290 and 3296, respectively, and that on June 30, 1906, said Commission rendered its decision herein, denying the said James Rogers the right to enrollment as a Cherokee freedman, which decision was, on same date, duly forwarded the Secretary of the Interior for his review and decision. Thereafter on July 19, 1906 (I.T.D. 9063-06, 9602-06), a motion to reopen the case of James Rogers, having been filed in behalf of said applicant, the Department remanded his case to this office with instructions to notify the applicant, James Rogers, that he would be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1901. Said Department

letter directed this office to consolidate on the rehearing and readjudication of the case of James Rogers, Cherokee freedman D 60, the cases of Mary Robbins, et al., Cherokee freedmen 389, Albert Rogers, Cherokee freedman 397 and Lillie Lowe, et al., Cherokee freedmen 398. Further proceedings in the matter of said application were had at Melvin, Indian Territory, October 10, and at Muskogee, Indian Territory, October 11, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mary Robbins, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., as provided by paragraph two of Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137), for the return of freedmen to said Nation. The evidence further shows that all the other applicants herein are descendants of the said Mary Robbins, born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Rvalina Lowe, Bertha Lowe, Albert Rogers and James Rogers are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

SIGNED Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,
this DEC 3 1906

C O P Y

Fr-389.

M A R R I A G E L I C E N S E .

United States of America,)
Indian Territory,)
Northern District.)ss.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Will Jones , of Bristow, In the Indian Territory, aged 25 years, and Miss Dolly Atkins, of Bristow, in the Indian Territory, aged 18 years, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Muskogee, Indian Territory, this 16 day of January, A. D. 1902.

Chas. A. Davidson,
Clerk of the U. S. Court.

(Seal)
By P. M. Ford, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, T. E. Allen, a Minister of the Gospel, do hereby certify, that on the 19 day of Jan. A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 19 day of Jan., A. D. 1902.
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 82.

T. E. Allen,
A Minister of the Gospel.

CERTIFICATE OF RECORD.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, Charles A. Davidson, clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 3 day of Feby., 1902, and duly recorded in Book M, Marriage Record, Page 45.

Witness my hand and seal of said Court at Muskogee, In said Territory, this 18 day of Feby., A. D. 1902.
(Seal)

Chas. A. Davidson, Clerk.

13. C. T. 398

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 12 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 12 1901

Post Office Bristow

District Tahl

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) 2. Name of wife Lillie Love Age 21

Owners name ..... Citizenship .....

Year K C Page 133 No. 9310 District Tahl

Parents:

Father Jos "Rogers Citizenship Col D

Mother Mary (Rogers) Robbins Citizenship Col

Names of Children:

2. Ransom Love Year ..... Page ..... No. ..... Dist. ..... 2 yrs Jan

3. Evaline " Year ..... Page ..... No. ..... Dist. ..... Minor

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Jno W. Stenographer Jones B. C

(1) & K C Roll. "Lillie Rogers"

(2) (3) affidavit of Birth to be filed

" " " " "

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al with which is consolidated the case of James Rogers, applicants for enrollment as Cherokee freedmen.

Stipulation.

Comes now the firm of Zevely, Givens & Smith for the applicants, and W. W. Hastings for the Cherokee Nation, and stipulate and agree that the above entitled case may be continued from Thursday September 27th until Thursday October 11th, and whereas notice has been given that the deposition of Dorcas Buffington is to be taken in said case on Wednesday September 26th at Melvin, I. T., it is agreed that said deposition shall be taken on Wednesday October 10, 1906.

Signed on this the 19th day of September, , 1906.

Zevely, Givens & Smith,

Attorneys for Applicants.

W. W. Hastings,

Attorney for the Cherokee Nation.

Cherokee F- 389
Cherokee F- 398
Cherokee F.R-70

Vinita, Indian Territory, March 16, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to return herewith letter No. 6284 from Louis T. Brown, March 9, 1903, requesting copies of testimony in Cherokee cases F-398, F-389 and F. R-70. I also enclose copy of testimony in Cherokee case F-398. The jackets and records in the other two cases are in the office of the Commission at Muskogee, and I respectfully request that the testimony inclosed and the copies of testimony in Cherokee cases F-389 and F. R-70 be forwarded direct to Louis T. Brown.

Respectfully,

Clerk in Charge.

Encl-S-386

GRS

aab

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Ch erokee F-398.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, May 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith, for consideration by the Commission, the record in the matter of the application of Lillie Lowe et al., for enrollment as Cherokee freedmen, Cherokee freedman 398.

On February 21, 1903, the record in the matter of the application of Mary Robbins et al., for enrollment as Cherokee freedmen, freedman 398, was transmitted to Muskogee by request of the Commission, presumably in order that a decision may be prepared therein.

As Lillie Lowe is the daughter of Mary Robbins, and is claiming through her mother, the status of the latter will, of course, govern that of the applicants in this case.

Respectfully,

C. R. Breedlove.

Commissioner in Charge
Cherokee Land Office.

Enc. R-36.

Cherokee Freedmen
#389 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Mary Robbins et al., granting the applications for the enrollment of Mary Robbins, Dollie Rogers, Sherman Jones, Albert Rogers, Lillie, Ransom, Evalina and Bertha Lowe as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-1.

Commissioner in Charge.

Cherokee Freedmen
#398.

Muskogee, Indian Territory, April 21, 1904.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your three minor children, Ransom, Evalina and Bertha Lowe, as Cherokee freedmen.

Respectfully,

Enc. D-8.

Register.

Chairman.

Cherokee Freedmen
#389 & #398.

Muskogee, Indian Territory, April 21, 1904.

Louis T. Brown,
Agent for Mary Robbins et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Mary Robbins et al., granting the applications for the enrollment of Mary Robbins, Dollie Rogers, Sherman Jones, Lillie, Ransom, Evalina and Bertha Lowe as Cherokee freedmen.

Respectfully,

Register

Chairman.

Enc. D-11.

COPY.

Cherokee Freedmen

No. 398.

Muskogee, Indian Territory, September 9, 1904.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of August 31, asking if the decision in your case has been affirmed by the Secretary of the Interior.

In reply you are advised that the decision has not yet been affirmed. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

D.C.31635 G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.9862-1905.
7502-1906.

July 19, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application for the enrollment of James Rogers as a Cherokee freedman, including its decision of the same date, rejecting said application.

The evidence establishes that the applicant, James Rogers, is the adult son of Mary Robbins, formerly Mary Rogers, whose name as Mary Robbins appears opposite No. 3280 upon the roll of Cherokee freedmen approved by the Acting Secretary of the Interior November 16, 1904, and that the applicant, James Rogers, is also a brother to Albert Rogers, whose name appears opposite No. 3286 upon the same roll.

The Acting Commissioner on April 19, 1906, stated to the Department that deeds had not yet been executed and delivered to Mary Robbins and Albert Rogers, whose names appear upon the approved rolls.

James Rogers was born about 1867, as claimed, in the Cherokee Nation, but at what place applicant does not know.

Incorporated with the record is the testimony of Mary Robbins taken in her own application on April 12, 1901, tending to show that she, the mother of James Rogers, returned from Fort Scott, Kans., to the Cherokee Nation, to the home of Nancy Benge, alias Nancy Riley, near Grand River, not far from Bald Mountain, in the summer of 1866. Other testimony introduced tends to show that Mary Robbins, the mother of applicant, did not return to the locality claimed, in the Cherokee Nation, in the summer of 1866, but that she was first seen in that neighborhood about four years after the close of the civil war.

You are requested to notify the applicant, James Rogers, that he will be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. You are also requested to state in the record whether the name of Mary Robbins, either as Mary Rogers or Mary Robbins, and whether the name of James Rogers or Jim Rogers appear upon any of the tribal rolls in your possession.

You are further requested to incorporate into the record,

if such testimony can be secured, the testimony of Nancy Benge, alias Nancy Riley, taken before the Kerns-Clifton Commission, and also the testimony of Mary Robbins taken before the same commission upon the latter's application for enrollment thereunder.

Upon the present state of the record the Department is unwilling to pass upon the merits of the claim.

The decision of the Commission of June 30, 1905, denying the application of James Rogers for his enrollment as a Cherokee freedman, is hereby set aside, and a rehearing is directed therein.

After the taking of additional testimony to definitely determine whether Mary Robbins, formerly Mary Rogers, the mother of applicant, James Rogers, returned to the Cherokee Nation prior to February 11, 1867, you are requested to readjudicate the application of James Rogers, as well as the applications of Mary Robbins et al., Cherokee freedmen 389; Albert Rogers, Cherokee freedman 397, and Lillie Lowe et al., Cherokee freedmen 398, and said applications are to be consolidated on the rehearing and readjudication. The record is returned.

Respectfully,

(SIGNED) Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee F.
390-397-398.

Muskogee, Indian Territory, August 2, 1906.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, in which a rehearing is ordered in the Cherokee freedmen cases of Mary Robbins, et al, freedman card No. 389, roll Nos. 3280, 3281 and 3282; Albert Rogers, freedman card No. 397, roll No. 3286; and Lillie Lowe, et al, freedman card No. 398, roll Nos. 3287 to 3290, inclusive.

You are directed to suspend all action looking to the issuance of certificates describing land selected as allotments in the Cherokee Nation for any of these person or the preparation of deeds describing land selected for any of them.

Respectfully,

M.A.

Commissioner.

Cher. F 389,397 &
398. Cher. Freedman
D 60.

Muskogee, Indian Territory, August 2, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a copy of Departmental letter of July 19, 1906, in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, is set aside and a rehearing ordered in said case. A rehearing is also directed in the Cherokee freedmen cases of Mary Robbins, et al, No. 389; Albert Rogers, No. 397; and Lillie Lowe, et al, No. 398; said cases to be consolidated with that of James Rogers, and to be readjudicated after the rehearing.

The principal applicants in these cases have this day been notified of the Department's action, and requested to advise this office at the earliest practicable date the names and addresses of the witnesses they propose to introduce in the cases. When this information is received, you will be advised thereof, and a date will be set for a hearing in the cases.

In view of this action by the Department, your motion filed June 25, 1906, for a rehearing in the case of Mary Robbins, et al, and also the motion filed June 16, 1906, for a rehearing in the case of James Rogers, need no further attention.

Respectfully,

M.A. Bush, 8-18.

Commissioner.

Cher. F 389,397 &
396. Cher. Freedman
D 60.

Muskogee, Indian Territory, August 2, 1906.

Louis T. Brown,

Attorney for Mary Robbins, et al,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, and ordering a rehearing in his case. The Cherokee freedman cases of Mary Robbins, et al, No. 389; Albert Rogers, No. 397; and Lillie Lowe, et al, No. 398; are also ordered to be reheard and readjudicated with the case of James Rogers.

You are requested to advise this office at the earliest practicable date the names and addresses of all the witnesses whose testimony you propose to introduce in these cases. Upon receipt of this information the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

Respectfully,

Encl. M.A.2-13.

Commissioner.

Cherokee Freedman
398.

Muskogee, Indian Territory, August 2, 1906.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers, for enrollment as a Cherokee freedman, and ordering a rehearing in said case. The Cherokee freedmen cases of yourself, Mary Robbins, et al, No. 389, and Albert Rogers, No. 397, are also ordered to be reheard and readjudicated with that of James Rogers.

Your attorney, Louis T. Brown, Muskogee, Indian Territory, has this day been requested to advise this office the names and addresses of all witnesses proposed to be introduced in these cases, and upon receipt of such information, the Cherokee Nation will be advised thereof, and a date set for a rehearing in the cases, of which action all parties at interest will be advised.

Respectfully,

[illegible] M.A., [illegible].
Register.

Commissioner.

Cherokee Freedman
398.

Muskogee, Indian Territory, August 2, 1906.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of James Rogers, for enrollment as a Cherokee freedman, and ordering a rehearing in said case. The Cherokee freedman cases of yourself, Mary Robbins, et al, No. 389, and Albert Rogers, No. 397, are also ordered to be reheard and readjudicated with that of James Rogers.

Your attorney, Louis T. Brown, Muskogee, Indian Territory, has this day been requested to advise this office the names and addresses of all witnesses proposed to be introduced in these cases, and upon receipt of such information, the Cherokee Nation will be advised thereof, and a date set for a rehearing in the cases, of which action all parties at interest will be advised.

Respectfully,

Encl. M.A.S-16.
Register.

copy

Commissioner.

D.C.35892

Muskogee, Ind. Ter. August 22, 1906.

Cherokee Freedman, D 80.

Hon. Tams Bixby,

Commissioner to The Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

In behalf of James Rogers, of Bristow, Indian Territory we acknowledge receipt of your letter, dated August 8, 1906, in which he is directed to notify you at the earliest practicable time the names and addresses of the witnesses he purposes to introduce along the lines indicated in your letter.

We beg to advise you that these witnesses are as follows:

Nancy Benge,	Melvin Ind. Ter.,
Margaret Sanders,	" "
Dorcas Buffington,	" "
Mary Robbins,	Bristow, Ind. Ter.,
Lillie Lowe,	" "

We have also been employed a attorneys for Mary Robbins Albert Rogers and Lillie Lowe, who desire that their cases be taken up at the same time that the case of James Rogers will be taken up. They desire to introduce in their behalf the same witnesses which have been named by James Rogers.

The witness Dorcas Buffington, whom the applicants desire to use, is a very old and very infirm woman. She is entirely blind and is not able to leave her home. We therefore respectfully request that it be arranged so that some person from your office may proceed with the attorneys for the Cherokee Nation and for the

applicants and take her testimony at her home near Melvin, I.T.

We would not ask this but for the fact that is is absolutely impossible for her to be present at the Commission and because the applicants deem her testimony very material in their behalf.

We will thank you to notify us as well as the applicants themselves when you have fixed the date for the hearing in these cases.

Respectfully,

JMG-C

(signed) Lovely Givens & Smith.

Cherokee Freedmen
D 60 et al.

Muskogee, Indian Territory, August 30, 1906.

Zevely, Givens and Smith,

Attorneys for Albert Rogers, et al,

Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of August 22, giving a list of the names and addresses of witnesses you desire to introduce in the Cherokee freedmen case of James Rogers, Mary Robbins, et al, Albert Rogers and Lillie Lowe, et al, you are advised that you will be permitted to appear before the offices of the Commissioner in Muskogee, Indian Territory, on Thursday, September 27, 1906, and introduce the testimony of the witnesses named by you.

You state that the witness, Doreas Buffington, of Melvin, Indian Territory, is to aged and infirm to appear before theoffices of the Commissioner. You request that a representative be authorized to proceed with the attorneys for the applicants and the Cherokee Nation to Melvin, Indian Territory, for the purpose of taking her testimony. You are advised that on September 26, 1906, a representative of this office, with a stenographer, will proceed to Melvin, Indian Territory, for the purpose of taking the testimony of

Said Dereas Buffington. The Cherokee Nation has this day been advised hereof.

The Nation will also be permitted to appear on September 27, and introduce in rebuttal such testimony as it desires in this case.

Respectfully,

M.A. Acting Commissioner.

Cherokee Freedman
D 60 et al.

Muskogee, Indian Territory, August 30, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a letter from Lovely, Givens and Smith, attorneys for applicants in the Cherokee freedmen cases of James Rogers, Mary Robbins, et al, Albert Rogers, and Lillie Lowe, et al, giving the list of names and addresses of witnesses they propose to introduce in said case.

You are advised that the applicants will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in their cases the testimony of the witnesses named. It is claimed that the witness Dereas Buffington, of Melvin, Indian Territory, is too aged and infirm to appear before the offices of the Commissioner, and that her testimony is material in the case. The attorneys for the applicants have this day been advised that on September 26, 1906, a representative of the Commissioner, with a stenographer, will proceed to Melvin, Indian Territory, for the purpose of taking the testimony of said Dereas Buffington.

The Cherokee Nation will be permitted to appear before the offices of the Commissioner on September 27, and introduce in rebuttal such testimony as it desires in this case.

Respectfully,

Acting Commissioner.

M.A.

Cherokee Freedman
398

Muskogee, Indian Territory, August 30, 1906.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of a letter from your attorneys, Zevely, Givens and Smith, Muskogee, Indian Territory, dated August 22, 1906, advising the names and addresses of the witnesses they propose to introduce in your case.

You are advised that you will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in your behalf the testimony of the witnesses named by your attorneys.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

M.A.
Register.

Acting Commissioner.

Cherokee Freedmen
396

Muskogee, Indian Territory, September 22, 1906

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that by agreement between your attorneys and the attorney for the Cherokee Nation, the hearing in your Cherokee Freedmen enrollment case has been continued from September 27, to October 11, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 60

Muskogee, Indian Territory, September 22, 1906

Zevely, Givens & Smith,
Attorneys for James Rogers, et al.
Muskogee, Indian Territory,

Gentlemen:

This office is in receipt of a stipulation between you and W. W. Hastings, attorney for the Cherokee Nation, agreeing that the Cherokee freedmen enrollment cases of James Rogers et al., be continued from September 27 to October 11, 1906, and that the taking of the testimony of Dereas Baffington at Melvin, Indian Territory, be continued from September 26 to October 10, 1906.

You are advised that said cases will be continued until October 11, 1906, and the taking of the testimony of Dereas Baffington at Melvin, Indian Territory, will be continued until October 10, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 60 et al.

Muskogee, Indian Territory, September 22, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of a stipulation between you and Zevely, Givens & Smith, attorneys for applicants in the Cherokee Freedmen cases of James Rogers, et al., agreeing that they be continued from September 27 to October 11, 1906, and that the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, be continued from September 26, to October 10, 1906.

You are advised that said cases will be continued until October 11, 1906, and the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, will be continued until October 10, 1906.

Respectfully,

L M B

Commissioner

Cher. Freed.
3[illegible] et al.

Muskogee, Indian Territory, October 17, 1906.

Zevely, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al.

Complying with your request you are advised that you will be given fifteen days from date hereof within which to file a brief on behalf of applicants in this case, a copy of which you will be required to serve on the attorney for the Cherokee Nation.

Respectfully,

MC - 17 - 1

Commissioner.

Cher. Freed.
3898 et al.

Muskogee, Indian Territory, October 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al. The attorneys for applicants have this day been advised that they will be allowed fifteen days from date hereof within which to file a brief on behalf of applicants, a copy of which they will be required to serve on you.

You are advised that you will be allowed ten days from date of service of the copy of their brief, within which to file a reply.

Respectfully,

MC - 17 - 2

Commissioner.

Cherokee Freed.
389, et al.

Muskogee, Indian Territory, December 3, 1906.

Zevely, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. W-9.
S.W.

Acting Commissioner.

Cherokee Freed.
389.

Muskogee, Indian Territory, December 3, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. W-10.
S.W.

Commissioner.

Muskogee, Indian Territory, December 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the consolidated applications for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, refusing the applications for the enrollment of Mary Robbins, Dollie and Sherman Jones, Lillie, Ransom, Evalina and Bertha Lowe, Albert and James Rogers, as Cherokee freedmen.

On July 19, 1906 (I.T.D.9862-1905, 7802-1906), the Department rescinded its decision favorable to the applicants in this case, except James Rogers, and remanded the case to this office for further hearing and readjudication.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Encl. W-11.
S.W.

C763

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freed.
398.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 3, 1906.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting, among others, your application for the enrollment of yourself and children as Cherokee freedmen.

Your Attorneys, Zevely, Givens & Smith, Muskogee, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl.W-8.
S.W.

Register.

DEPARTMENT OF THE INTERIOR,

Land.
106811-1906. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

(COPY) February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 19, 1906, (I.T.D.9862-1905, 7502-1906), wherein the Department rescinded its decision favorable to the applicants in the Cherokee freedmen enrollment case of Mary Robbins, et al., except as to James Rogers, and remanded the case to the Commissioner to the Five Civilized Tribes for further hearing and re-adjudication, I have the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated December 3, 1906, transmitting the record of the proceedings had in the matter of the consolidated application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Dollie and Therman Jones, Willie Hansom, Evelina and Bertha Howe, and Albert and James Rogers.

On receipt of Departmental letter of July 19, 1906, the applicants herein were notified on August 30, 1906, that further testimony would be taken at the office of the Commissioner on September 27, 1906. By stipulation of the attorneys, this time was further extended to October 11, 1906, at which time further testimony was taken. The testimony of Dorcas Buffington, a witness in behalf of the applicants, was taken at Melvin, I.T., on October 10, 1906.

The evidence shows that the principal applicant herein, Mary Robbins, was a slave of a Cherokee citizen at the beginning of the Civil War, and that during the progress of the War she left the Cherokee Nation and went into the State of Kansas and resided for some time at or near Fort Scott. It is further shown that she did not return to the Cherokee Nation until after February 11, 1867. The testimony tends to show that she did not return until about the year 1870, though the exact time is not conclusively shown.

The record further shows that all of the other applicants included in this case are descendants of Mary Robbins, and were born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as descendants of Mary Robbins. None of the applicants can be identified on any of the authenticated rolls of the Cherokee Nation in possession of the Commissioner to the Five Civilized Tribes, except on the Kern-Clifton roll.

Under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L.,495), the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe Evalina Lowe, Bertha Lowe, Albert Rogers, and James Rogers, is correct and it is respectfully recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-SD

D.C.13338-1907. G.R.

W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.3388-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 14, 1907 (Land 106811-1906), copy whereof is enclosed, your decision of December 3, 1906, denying the application for the enrollment of Mary Robbins, Dollie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers, and James Rogers, is hereby affirmed, and the Department, in pursuance thereof, has hereby cancelled the names of Mary Rogers, Dollie Rogers, Sherman Jones, Albert Rogers, Lillie Jones, Ransom Lowe, Evalina Lowe and Bertha Lowe, from the approved roll of November 16, 1904, of Cherokee freedmen, opposite numbers 3280, 3281, 3282, 3286, 3287, 3288, 3289, 3290, respectively.

You will take similar action upon the partial roll in your possession, and the Indian Office has this day been directed to take similar action.

The record in the case has been returned for the files of the Indian Office, together with copy hereof.

Respectfully,

(Signed) Jesse E. Wilson

Acting Secretary.

1 enclosure, and
6 enclo., with copy hereof to I.O.

WCF 3/5/07

973

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
398.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1907.

Lillie Lowe,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the application for the enrollment of yourself and others, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

Commissioner.

LMC

Cherokee F.
389

COPY

Muskogee, Indian Territory, March 21, 1907.

Zevely, Givens & Smith,

Attorney for Mary Robbins, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.C-29
LMC

Cherokee F.
389.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the commissioner to the Five Civilized Tribes, dated December 3, 1905, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

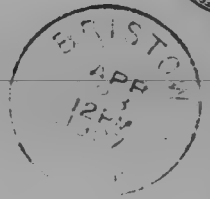
Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl.C-30
LMC

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

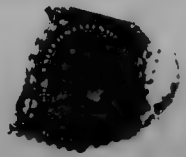




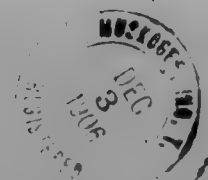
Little Lo[illegible],
Bri[illegible], Indian Territory.

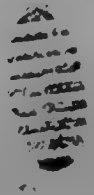
Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

5 19411









Reg 16

Lillie Lowe,

~~Bristow, Indian Territory.~~

Not called for

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
APR 13 1903

MAR 16 1907

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Lillie Lowe, et al

for enrollment as Freedmen *of the Cherokee Nation.*

Louis D. Brocon
Atty for applicants.

Cherokee FN *No.* 398

Cher. Fr. R 1265

Cher. Fr. R 1265

Trans. from Cher Fr. 653

Land
133-1906

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON.

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated December 28, 1905, with which is enclosed the record of proceedings had in the matter of theapplication for the enrollment of Joseph, Monday, Susie, Leroy, Emma and Catch Barnett as Cherokee freedmen; also the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, adverse to the applicants.

The record shows that on April 24, 1901, Mary Barnett appeared before the Commission to the Five Civilized Tribes at Fort Gibson, Indian Territory, and made application for the enrollment of her minor children, Joseph, Monday, Susie, Leroy, and Emma Barnett as Cherokee Freedmen. On August 19, 1902, there was filed with the Commission an affidavit showing the birth, on February 28, 1902, of Catch Barnett, son of Mary Barnett.

The record also shows that on August 30, 1902, Ketch Barnett appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment

of his minor children, Joseph, Monday, Susie, and Leroy Barnett, and his grandchild, Emma Barnett, as Creek freedmen, electing if it should be found they were entitled to Creek freedmen citizenship that they receive their allotments of land and distribution of moneys in the Creek Nation, and that on November 13, 1905, he appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and made the same election in behalf of his minor child, Ketch (Cathh) Barnett.

Commissioner Bixby reports that the five applicants first above named are included in a partial roll of Creek freedmen approved December 1, 1903, opposite Nos. 5283 to 5287, respectively, and that selections of land in the Creek Nation have been made for them and deeds there to written.

The attention of the Department is invited to the fact that Catch Barnett is not included in the five applicants on the partial roll of Creek freedmen opposite Nos. 5283 to 5287, referred to by Commissioner Bixby as having been given selections of land in the Creek Nation, but the Office presumes that Catch Barnett has been admitted with the other applicants as freedmen of the Creek Nation.

In view of the facts as above set out, and inasmuch as the applicants herein have been admitted as Creek freedmen, under the provisions of Paragraph 8 of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat L., 495), the Office concurs in the decision of Commissioner Bixby that Joseph, Monday, Susie, Leroy

[illegible] and Sarah Barnett are not entitled to enrollment as Cherokee freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EMM-EH.

Y.P.

(COPY)

DEPARTMENT OF THE INTERIOR,

D.C.2230-1907
I.T.D.84-1907.
LRS.

WASHINGTON.

January 9, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 28, 1905, you transmitted the record in the matter of the application for the enrolment of Joseph, Monday, Susie, Leroy, Emma and Catch Barnett as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 3, 1907 (Land 133-06), the Indian Office concurs in your decision. A copy of its letter is enclosed.

The Department also concurs, and your decision is hereby affirmed.

The papers in the case have been returned to the Indian Office for its files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
653

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1907.

Mary Barnett,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 28, 1905, rejecting your application for the enrollment of your children, Joseph, Monday, Susie, Leroy, Emma and Catch Barnett, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 9, 1907.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.M-58
JMM

Cher. Fr. R 1266

Cher. Fr. R 1266

Trans. from Cher. Fr. 981

DOUBTFUL as to the applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 13,1901.

In the matter of the application of Martha Virgel for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. A.S.McRea, (colored) for the applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

Q What is your name? A Martha Virgel.
Q How old are you? A 29 in September.
Q What is your post-office address? A Claremore.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Baby.
Q What is your baby's name? A Lucile.
Q Lucile Vann? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Fred Virgel.
Q Is he a citizen? A He is a citizen of the Creek Nation.
Q Where do you live? A In Muskogee.
Q What is your father's name? A Warren Adams.
Q Is he living? A No sir.
Q What is your mother's name? A Ibbie or Isabelle Vann.
Q Is your mother living? A No sir.
Q Neither one of your parents are living? A Neither one.
Q Where were you born? A On Grand river, in the Cherokee Nation.
Q How long did you live in the Cherokee Nation? A I lived there all my life, until I married.
Q When did you marry? A 1897.
Q To who? A Fred Virgel.
Q He is a Creek citizen? A Yes sir.
Q Where did you marry? A Married in Muskogee.
Q Have you lived in Muskogee ever since you were married? A Yes sir.
Q Live there now? A Oh I have been back.
Q You didn't go there and settle there? A No I didn't.
Q Don't you live there now? A No sir.
Q Where is your husband? A Up in Kansas awhile.
Q You and him living together now? A ~~Yes sir~~. Yes
Q Where do you live now? A In the Cherokee Nation.
Q How long did you live in Muskogee? A Until last February.
Q Where are you living now? A Down at Claremore.
Q Are you married again? A No sir.
Q Where was Lucile born? A Catoosa, Cherokee Nation.
Q Did you ever apply to be enrolled as a citizen of the Creek Nation? A No sir.
Q Did you ever apply to have this child enrolled as a citizen of the Creek Nation? A No sir.

BY ATTORNEY A.S.McREA:

Q Are you any relation to Ben Adams, who was enrolled yesterday? A My brother.
Q You and he are of the same father and mother? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A I think so.
Q What rolls, you remember? A Well I never saw the 1880 roll, but I know I am on the Wallace and Clifton; it is on the Wallace roll as Martha.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified the name as
page 195 #3586 Martha Adams, (No district)
Kern-Clifton May roll of citizens of the Cherokee Nation examined and applicant identified the name as
page 178 #4644 Mattie Adams, Coowescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

BY COM'R NEEDLES:

Q Were you ever married but once? A Yes sir.
Q What was your first husband's name? A Vann, Eli Vann.
Is he living? A Yes sir.
Q Are you separated from him? A Yes sir.
Q After ~~that~~ that you married Virgel did you?
A Yes sir.

BY MR. DAVENPORT:

Q Where were you living when you can first remember?
A On Grand river.
Q What place on Grand river? A Oh, I don't know the name of the place; way down close to Island Ford.
Q Who lived near you? A Old man Gormer.
Q That was George Clark's father-in-law? A Yes sir.
Q George lived there too? A Yes sir.
Q How far did you live from Dick Martin? A I don't know, I don't know Dick Martin.
Q You know Joe Thompson? A No sir.
Q How long after you moved from Kansas back to this country?
A I never lived in Kansas.
Q Didn't go up there with Virgel the one went? A No sir, I didn't.
Q How long have you been living in Texas? A I have never been to Texas.
Q You have never lived anywhere except in the Creek and Cherokee Nation? Sine you were born? A No sir, I never.
Q You are now living at Claremore? A Yes sir.
Q How long have you lived at Claremore? A Sine February.

BY COM'R NEEDLES:

Q Where is this child Lucile? A She is at Lenapah.
Q She is in your custody now? A Yes sir.
Q She is not living with you now? A Yes sir, she is, but I sent her over there with her aunt the other day.
Q Is her father Eli Vann? A Yes sir.
Q Did you have any other children by Virgel? A No sir.
Q You are not living with Vann? A No sir, not living with other one.
Q Did Eli leave you? A Yes sir, we separated.
Q He wasn't the one that was killed by lightning? A No sir.
Q He ought to have been killed by lightning? A No sir, I want him to live on.
Q Want him to live on and suffer do you? A He aint suffering.
Q Is Eli Vann the father of Lucile you say? A Yes sir.
Q What proof have you got of your marriage? A I haven't got no certificate, because I wasn't married by no certificate.
Q Where were you married? A Claremore.
Q Who married you? A Old man Nelson.
Q Is he living? A No sir.
Q Anybody know that you are married? A No, not here there aint.

1880 authenticated roll of citizens of the Cherokee Nation examined and Eli Vann identified on page 193 #3080 Eli Vann, Cooweescoowee District, adopted col'd Card F 941.)

Com'r Needles; Martha Virgel applies for the enrollment of herself and child, Lucile Vann, seven years old; she swears that she is a child of Warren and Ibbie Adams; she avers that she was married to one Eli Vann, who was the father of the child for whom she applies; she separated from Eli

Vann and since married one Fred Virgel, from whom she is now separated; she avers that said Lucile Vann is her child by her marriage with Eli Vann, and Eli Vann is duly identified upon the authenticated roll of 1880, and has been listed for enrollment on straight card number 941; she makes no proof of her marriage, to said Eli Vann, which will be necessary for her to do; she avers that she is a sister of Ben Adams, who was listed for enrollment on D card 715; and the testimony taken in the matter of the enrollment of Ben Adams, will be made a part of the record in the case at bar, and a copy of said testimony will be filed herewith; she makes satisfactory proof as to the birth of said Lucile Vann, whose name cannot be found upon any of the rolls of the Cherokee nation; she claims citizenship for herself, through her father and mother, and she claims citizenship for her child both through herself and through the rights of its father; Eli Vann; said Martha Virgel will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, and her child, Lucile Vann, will be listed for enrollment as a Cherokee Freedman upon a straight card, but want to emphasize the fact that it will be necessary for her to prove marriage between herself and Eli Vann before the enrollment of said Lucile Vann upon a straight card will be complete.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 11 1901



Supl., C.F.-M.#981, Straight.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 28th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of LUCILE VANN as a Cherokee Freedman; introduced on behalf of the Cherokee Nation:

APPEARANCES:
A. S. McRea, Attorney for Applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

ELI VANN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Eli Vann.
Q How old are you? A 28.
Q What is your post office? A Claremore.
Q You are here I believe to give some testimony in the case of a child, Lucile Vann? A Yes, sir.
Q Is that your child? A That is what itsmother says.
MR. HASTINGS: Have you ever been married? A Yes, sir, I am married now.
Q When were you married? A '95.
Q What was your wife's maiden name? A Katie Blackbird.
Q Were you evermarriedbefore 1895? A No, sir.
Q Do you know Martha Virgel? A Yes, sir.
Q Were you ever married to her? A No, sir.
Q Did you ever hold her out to the community as your wife? A No, sir.
Q Did you ever live with her as husband and wife? A No, sir.
Q You were nevermarried to her? A No, sir.
Q Did you ever claim to be married to her? A No, sir.
COM'R BRECKINRIDGE: How old is this child, Lucile, or do you know? A About seven years old I think.
MR. McREA: Mr. Vann, you say that the mother of this child alleged you to be the father of it? A Yes, sir.
Q Do you recognize i t as being your child? A Not altogether; no, sir.
Q Well, now, do you or do you not recognized it as being your child? A No, sir.
Q It is not your child? A No, sir.

Com'r Breckinridge: This testimony will be filed as supplemental in Cherokee straight freedmen case #981, the same being the case of Lucile Vann.
A set of this testimony will also be placed in Cherokee Freedman doubtful card #726, the same being the card of Martha Virgel.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 6th, 1901.

D. A. Breckinridge
Commissioner.

F-951

Lui., Va.

FEB 10 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LUCILE VANN as a Cherokee freedman.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, J. S. Davenport.

MARTHA VIRGEL, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Martha Virgel.
Q How old are you? A I will be 34 in September.
Q What is your post office? A Muskogee.
Q You claim freedman citizenship in the Cherokee Nation, do you?
A Yes sir.
Q Have you a child? A Yes sir.
Q What is its name? A Lucile Vann.
Q Is she living? A Yes sir.
Q With whom does it live? A She is living in Wagoner going to school there, she lives with me when she aint in school.
Q Your post office is here in Muskogee? A Yes sir, mine is.
Q What is the name of the father of Lucile Vann? A Eli Vann.
Q Is he alive? A Yes sir, he is living.
Q Is he a Cherokee freedman? A Yes sir.
Q What is the name of his father? A Dave Vann.
Q Is he living? A No sir.
Q What is the name of his mother? A Patsy Daniels now.
Q Is she living? A Yes sir, she is living.
Q Do you know where Eli Vann lives at the present time? A No sir, I don't.
Q Were you and he married? A No sir.
Q Did you live together? A Well we went together.
Q How long did you go together? A Very near a year, it was over a year, I guess, very near two years.
Q Are you in a position to state positively that Eli Vann is the father of your child? A Yes sir, I know he is the father of it.
Q Did Eli Vann ever recognize this child as his own? A Yes sir, he never has denied it.
Q Did he ever contribute anything toward the support of the child?
A He has gave me things, used to carry it up and stayed with his mother awhile.
Q Took the child up to his mother's? A Yes sir, he has always, recognized it. ever since it has been born.
Q Now within a year before this child was born had you been going with any other man? A No sir, I wasn't going with anybody but him.
Q Had you ever had any intimate relations with anybody but him in that time? A None but him.
Q And you and he been going together a year before the child was born?
A Yes sir.
Q You never had any relation with any other man within a year before that child was born? A No sir, none but him.

BY MR. DAVENPORT:
Q You claim to be the mother of Lucile Vann? A Yes sir.
Q Are you married? A I am a widow now, was married.
Q How long had you been married before your husband died? A He aint dead.
Q How long did you and he live together as husband and wife?
A About 4 or 5 years I guess.
Q When were you married? A I don't know, it was in April, the sping of the freedman payment.
Q That was 1896 or '7? A Yes sir, in April.
Q You and Eli Van were never married? A No sir.
Q Was it old Eli or young Eli? A It was Patsy's son, Dave Vann's son.
Q How old was he? A I don't know just how old he was.
Q What was the name of his wife? A The one he married is named Kate Blackbird I believe.
Q He had a wife living at the time he was the father of your child? A No sir, he wasn't.
Q Was Eli Vann married 11 years ago? A No sir, my baby was born before Eli was married.
Q Where were you living at the time you claim you and Eli were together? A Right in Claremore.
Q Did Eli live in Claremore? A Yes sir, worked out to Frank Musgrove's, the biggest part of his time.
Q And he come in town? A Yes sir, and just before the baby was born I went to Catoosa.
Q You were there quite a good deal with Harrison Foreman's son?
A No sir, never went with any of Harrison Foreman's boys in my life.
Q Wasn't his oldest boy up there quite a good deal with you in 1896 and 1897? A No sir.
Q You went with other boys about your age too didn't you? A No sir, I went with Eli.
Q You never did live together as man and wife? A No sir, we never kept house together.
Q Did he ever hold you out to the public as his wife? A Oh no, I wasn't his wife.
Q Who were you living with at the time you say Eli became the father of this child? A I was working with Carrie Campbell.
Q That is Bill Campbell's wife who lives up there in the east part of Claremore? A Yes sir, she lives down there near the old McDaniel Hotel that got burned down.
Q She was a daughter of George Mayes, was she? A Yes sir.
Q Eli has not recognized this child in the last 7 or 8 or 10 years, has he? A He aint never denied it.
Q He hasn't had anything to do with it since his marriage? A Yes sir, she has been with his mother since then.
Q Where does his mother live? A Lenapah.
Q What is her name? A Patsy.
Q Where is Eli? A I don't know.
Q Did he make application for this child? A No sir, I made it.
Q You are not a citizen yourself? A Just claim.
Q What is your mother's name? A My mother's name is Ibbie Vann and father Warren Adams.

ON BEHALF OF THE COMMISSIONER:
Q Were you ever married before this child was born? A Yes sir.
Q What was the name of your first husband? A Jack Rogers.
Q Is he living? A I think so.
Q Were you and he ever divorced? A We were divorced by the Cherokee laws I guess.
Q Did you get a divorce from the Cherokee Courts? A I don't know whether we get a divorce or not, wasn't no divorce granted.

Q How many children did you have before Lucile was born? A Never had any.
Q Lucile your first child? A Yes sir, and the last, only mother of one child.
Q Do you know when you and Jack Rogers were married? A No sir, I don't know the date, I know it was in the winter season.
Q How long did you live together, you and Jack? A About two months I guess or three, it was sometime after Christmas or before Christmas we married and I went away in the spring.
Q You separated after about two months? A Yes sir, I think it was about two or three months.
Q Do you know what year it was you separated? A No sir.
Q About how long after your separation was it before Lucile was born? A I don't know exactly how long afterwards.
Q What is your best judgment? A I couldn't say because I don't know just how long it was, never paid any attention to it.
Q Did you separate before or after the Strip payment? A Yes sir, long before that, we were married and separated long before that, when I was young, I don't know when it was.
Q Can you give any idea about how many years it was after you and Jack separated before this child was born? A No sir, I don't.
Q Do you think it was as much as 6 months? A It was longer than that.
Q Do you think it was as much as five years? A It wasn't that long I don't think.
Q What is your best judgment? A I am not sure, I don't know, just how long it was but I know it was longer than two or three years.
Q Were you married to any other man after you and Jack separated until your child was born? A No sir.
Q Was Eli Vann ever married before this child was born? A No sir.

W I T N E S S E X C U S E D .

BENJAMIN NAVE, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What isyour name? A Benjamin Nave.
Q How old are you? A 46.
Q What is your post office? A Vinita.
Q Are you a Cherokee freedman? A Yes sir.
Q Do you know this woman, Martha Virgel? A Yes sir.
Q How long have you known her? A I have known her about 15 or 20 years.
Q Do you know anything about her marriage to Jack Rogers? A No sir, I don't know that she married him, I heard she did.
Q Do you know about when that was they were supposed to have married?
A No sir.
Q Do you know whether they had any children? A Her and Jack.
Q Yes? A No, I don,t.
Q Do you know whether she has any children? A Only one that I know of.
Q Do you know its name? A No sir, I don't know its name.
Q Do you know whose child it is? A They claim it to be Eli Vann's.
Q Did you ever have any conversation with Eli Vann about that child? A Yes sir, tried to summons him down here as a witness in the case.
Q What did he say about it? A Why the Nation got me to go up there and see him and he wouldn,t come, he said it was his child and he wouldn,t come down here andswear against it.

Q Do you know whether this child is recognized in the community in which Eli Vann lives as his child? A Well now I couldn't say about the whole community, that is something I couldn't say. Nothing more than what I heard Eli 's mother say the child was there, and she said it was Eli's.
Q Did she so regard it and keep it in her family? A Yes sir, she had the child therewith her.

WITNESS EXCUSED.

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Geo. H. Lesnley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H. Lesnley

Subscribed and sworn to before me this 10th day of February, 1906.

Myron White

Notary Public.

Cherokee Freedmen 981

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. AUGUST 16,1906.

In the matter of the application for the enrollment as a Cherokee freedman of Lucile Vann.

BY THE COMMISSIONER:

The records of this office show that on ~~June~~ August 1, 1906, Martha Virgel, mother of the applicant herein, Lucile Vann, was notified that she would be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, on August 16, 1906, and introduce such testimony as she desired as to the paternity of said child. This case being called for rehearing, and she failing to appear either in person or by attorney, and the Cherokee Nation being present by its attorney, who announces that he has no testimony to introduce, the case will be closed, and a decision rendered on the evidence heretofore introduced.

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she recorded the proceedings had in the above case, and that the above is a full, true, and correct transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 31st day of October, 1906

B. P. Rasmus
Notary Public.

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Cherokee Freedman 981.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucile Vann as a Cherokee Freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, on June 13, 1901, Martha Virgel appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor daughter, Lucile Vann, as Cherokee freedmen. The application for the enrollment of the said Martha Virgel has heretofore been disposed of and her right to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 26, 1901, and at Muskogee, Indian Territory, on February 8, and August 16, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Lucile Vann, is an illegitimate daughter of the said Martha Virgel, who is listed for enrollment as a Cherokee freedman on Cherokee Freedmen Doubtful Card No. 726, and whose application for enrollment was denied by the Commission to the Five Civilized Tribes on June 26, 1906, and is now pending before the Department. It is contended on behalf of the applicant, Lucile Vann, that she is the daughter of one Eli Vann, who is a regularly enrolled freedman citizen of the Cherokee Nation, his name appearing upon a partial roll of freedmen citizens thereof approved by the Secretary of the Interior December 23, 1905, opposite No. 99. At Vinita, Indian Territory, on October 26, 1901, the said Eli Vann appeared before the Commission to the Five Civilized Tribes and testified that he was never married to the said Martha Virgel; that he and the said Martha Virgel never lived together as husband and wife, and that the said Lucile Vann is not his child. In view of the foregoing it is considered by this office that the

evidence fails to establish that the said Lucile Vann possesses any right to enrollment as a Cherokee freedman other than as a descendant of her said mother, hence her application for enrollment as a Cherokee freedman should be adjudicated in accordance with the ruling of the Department in the case of Sallie Brooks et al., (I.T.D.17180-1906).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Lucile Vann is not entitled to enrollment as a Cherokee freedman, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 9 1907

Cher. Freedman #981

IN RE
Application for Enrollment of
INFANT CHILD

Lucile Vann
as a citizen of
Cherokee Nation.

Approved June 13 1901

T. B. Needles
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES

FILED

JUN 13, 1901

Tams Bixby
Actin Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Lucile Vann (Here insert name of child), born on the 4th day of August, 1894

Name of Father: Eli Vann, a citizen of the Cherokee Nation.

Name of Mother: Martha Virgel, a citizen of the Cherokee Nation.

Postoffice Claremore, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Martha Virgel, on oath state that I am 29 years of age and a citizen, by adoption, of the Cherokee Nation; that I was the lawful wife of Eli Vann, who is a citizen, by adoption, of the Cherokee Nation; that a female (Male or Female.) child was born to me on 4th day of August 1894; that said child has been named Lucile Vann, and is now living. and that the midwife who attended me is dead and there is no other living witness to said birth.

Martha Virgel

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 13 day of June 1901.

(S E A L)

Louis T. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, ..., a ....., on oath state that I attended on Mrs Martha Virgel who was the wife of Eli Vann on the 4th day of August, 1894, that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named

Lucile Vann

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this ..... day of ..... 190..

.....
Notary Public.

FILED
JUN 12 1905
FIRES.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 13 1901

Post Office Claremore I.T.

District Cooweescoowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. Lucile Vann Year — Page — No. — Dist. — 7

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Martha Virgil Smothers Stenographer W. O Reese

Proof of birth to be supplied
Proof of marriage of parents to be supplied.

X Reg.

[redacted]

Cherokee
J—961.

[redacted]

Muskogee, Indian Territory, [redacted]

Martha Virgel,

Claremore, Indian Territory.

Dear Madam:

In the matter of your application for the [redacted] as Cherokee freedman of your minor child, Lucille Vann, you are hereby notified that before the right to enrollment as such Cherokee freedman of this child can be satisfactorily determined, it will be necessary that you introduce further testimony as to the [redacted]

You can appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on [redacted], 1905, for the purpose of introducing such testimony as you may have. You are urged to be present on that day, as it is desired at the earliest possible time to dispose of the application for the enrollment of your child, Lucille Vann.

Respectfully,

[redacted]

GHL [redacted]

[redacted]

[redacted], Idaho, October 2, 19[redacted]

[redacted]

[redacted]

[redacted]

Gentlemen:

[redacted] to the Commissioner to the Commissioner of Immigration, in connection with his application for [redacted] Immigration Service, Boise, Idaho, and [redacted] testimony as to the [redacted]

You are, therefore, advised that you will be required to appear on that date and [redacted] in connection with this case.

[redacted]

[redacted]

[redacted]

[redacted]

[illegible]

No. 971.

COPY.

Muskogee, Indian Territory, December 8, 1906.

[illegible]

[illegible], Indian Territory.

Dear Sir:

You are requested to advise this office, at the earliest practicable date, the present postoffice address of your master, [illegible], and whether or not she is married at the present time, and if so, her present name.

There is inclosed herewith, for your reply, a return penalty envelope which requires no postage.

Respectfully,

Wm O Beall
Acting Commissioner.

In
Enc. Env.

Cherokee Freedmen

No. 961.

COPY.

Muskogee, Indian Territory, December 9, 1905.

Nettie Morand,

Care of William T. Sidell;

Bartlesville, Indian Territory.

Dear Madam:

You are requested to advise this office at the earliest practicable date, the present postoffice address of your sister, Martha Virdel, and whether or not she is married at the present time, and if so, her present name.

There is inclosed herewith, for your reply, a return penalty envelope which requires no postage.

Respectfully,

(SIGNED) Wm O. Beall

Acting Commissioner.

LS
Incl. Pnv.

(C O P Y)

Chaffee, Indian Territory.

December 15, 1905.

Commissioner to the five Civilized Tribes:

In reply to yours of December the 7 asking me about my sister Martha Virgel wether are not that she was married she is not married any more to my knoleg and her present Post Office I cant tell at this writing for I my self doe not know where she is though I will find hear and informe you off the same soon.

So thire is one thing I will be oblige to you if you will informe me and that is wether I would be allowed to file on my land should I call to the land office if I am please let me heare at an early date.

I am

Yours for Bissness,

With respects

Ben Adams

(C O P Y)

Vinita, Ind. Ter.___

Hon.

Com. to the Five Civilized Tribes-

Sir:

In reply to your letter of the 9th in regard to my half sister Martha Virgel, will say, I do not know her Post office address as I have not heard from her for some time. She has been married, her present name is Virgel.

Very Respectfully,

Mrs. Addie White.

William T. Sidell,
Attorney at Law,
Bartlesville, I. T.

COPY

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:-

Yours of December 9th, 1905, addressed to Neatie Morand in my care, has been received. I have written to the Morand woman at Coffeyville, which is the address she last gave me, requesting her to advise you or me at once as to the present post office address of her sister, Martha Virgel, and whether she is now married and if so, her present name, as per your request. If she does not respond directly to you within a short time, please wrtie me and I will endeavor to get the desired information for you. If she gives me the information, I will forward same to you at once.

Yours truly,

(Signed) Wm T Sidell

Dec. 19th, 1905.

"W"

Cherokee Freedmen

981 D-715.

Muskogee, Indian Territory, December 21, 1905.

Ben Adams,

Chaffee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of December 15, in reply to its recent communication asking to be advised the post office address of your sister, Martha Virgel. You state that you cannot advise her post office at the present time, but that you will inform this office as soon as you ascertain the same. You also ask to be advised if you will be permitted to apply for land as your allotment in the Cherokee Nation.

In reply you are advised that before the right to enrollment of Lucile Vann, daughter of your sister, Martha Virgel, can be determined it will be necessary that an affidavit as to her birth be filed, and you are requested to advise the post office address of your sister at the earliest practicable date.

You are further advised that the decision of the Commission to the Five Civilized Tribes, dated June 25, 1905, rejecting your application for enrollment as a Cherokee freedman, was, on that date, forwarded to the Secretary of the Interior for his review and decision. The rules of this office do not permit applicants for enrollment as citizens of the Cherokee Nation to apply for land as their allotments in the Cherokee Nation until

their names have been placed on schedules of such citizens and approved by the Secretary of the Interior.

Respectfully,

Ls Commissioner.

Cherokee
F 981

Muskogee, Indian Territory, February 10, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 8, 1906, in the matter of the application for the enrollment of Lucile Vann as a Cherokee freedman.

Respectfully,

Incl. GL-30.
GHL

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
D 981

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 1, 1906

Martha Virgel,
302 South second Street,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that before a decision will be rendered in the matter of the application for the enrollment of your chils, Lucile Vann, as a Cherokee freedman, you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, August 16, 1906, for the purpose of introducing such further testimony as you desire as to said child's paternity. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Respectfully,

Commissioner

L M B
Register

erokee Freedman
(D) 981

Muskogee, India Territory, August 1, 1906

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that Martha Virgel, Muskogee, Indian Territory, has this day been advised that before a decision will be rendered in the matter of the application for the enrollment of her child, Lucile Vann, as a Cherokee freedman, she will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M. on Thursday, August 16, and introduce such testimony as she desires relative to the paternity of said child. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

L M B

Commissioner

Cherokee P.
981

Muskogee, Indian Territory, August 25, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Martha Virgil, mother of Lucile Vann, has been advised that she will be permitted to appear before the Commissioner on September 20, 1906, and give testimony as to the right of said child to enrollment as a Cherokee freedman.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony in the case as it may desire.

Respectfully,

Acting Commissioner.

LMC

G413

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 981

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 7, 1906

Martha Virgel,

Taft, Indian Territory.

Dear Madam:

You are advised that the enclosed letter was addressed to you by this office, at 302 South Second Street, Muskogee, Indian Territory, and has been returned unclaimed.

You are further advised that there being no appearance by you or on behalf of your child Lucile Vann, on August 16, 1906, said case was continued to Thursday, September 20, 1906, at nine o'clock A. M., at which time you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, for the purpose of introducing such further testimony as you desire as to said child's paternity. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in the case.

Respectfully,

W. O. Beall

Acting Commissioner

L M B

Encl. B-45

Register

Cherokee F.
961.

Muskogee, Indian Territory, January 9, 1907.

Martha Virgel,
302 South Second Street,
Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the record of proceedings had in the matter of the application for the enrollment of your child, Lucile Vann, as a Cherokee freedman, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-80
JMH

Register.

Cherokee F.
981.

Muskogee, Indian Territory, January 9, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 9, 1907, denying the application for the enrollment of Lucile Vann as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-81
JMH

Muskogee, Indian Territory, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lucile Vann as a Cherokee freedman, including the decision of the Commissioner, dated January 9, 1907, denying said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl.H-82
JMH

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land
3269-1907
15796-1907.

February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir: There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated March 29, 1907, transmitting the record relative to the application of Lucile Vann for enrollment as a Cherokee freedman, including the Commissioner's decision of that date denying the application.

The record in the case shows that the applicant is the illegitimate daughter of Martha Virgel. The Office had no record of the Virgel case, and under date of February 15, wired Mr. Bixby as follows:

> In your decision of January nine, nineteen hundred seven, application Jucile Vann for enrollment as Cherokee freedman, you say she is daughter of Martha Virgel, whose case is pending before Department. Office has no record of Virgel case. Wire date and title under which record was transmitted.

To which he replied on the 16th, saying that on January 11, 1907, I.T.D. 9860-1905, the Department found that Martha Virgel was not entitled to enrollment.

This applicant is the daughter of Martha Virgel and Eli Vann, enrolled as Cherokee freedman at No. 88, approved Cherokee freedman roll. Vann appeared before the Commission

and testified that he was never married to Martha Virgel, that they had never lived together as husband and wife, and that Lucile Vann is not his child.

Under the provisions of the Act of April 26, 1906, the applicant, even though she is the child of Eli Vann, an enrolled freedman, is not entitled to enrollment, as that Act declares that illegitimate children shall follow the status of the mother. The mother not being an enrolled freedman, the child is not entitled to enrollment, and the approval of Mr. Bixby's adverse decision is recommended.

Very respectfully,

SIGNED C. F. Larrabee,

Acting Commissioner.

GAW-GH.

DEPARTMENT OF THE INTERIOR, O.K.

L.R.S. WASHINGTON.

I.T.D.

4306, 4332, 4334, 4368,
4674, 4706, 4720, 4788,
4792, 4800--1907.

February 27, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions by affirmed are inclosed:

Title of Case.	Date of your Letter of Transmittal.
Lucile Vann (Freedman),	January 9, 1907.
Lewis Brown (Freedman),	October 17, 1906.
Manchie James,	October 17, 1906.
George E. Madden,	October 17, 1906.
Ada A. Waybourn,	February 2, 1907.
Lucy Chisholm (Katie Vann) (Freedman),	November 23, 1906.
Ethel Mary House,	November 23, 1906.
Luella Blythe,	January 8, 1907.
Frances Collins et al.,	January 7, 1907.
Alexander Alverty et al. (Freedmen),	January 8, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

10 inc. and 21
inc. for Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F 981

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907

Lucile Vann,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated March 29, 1906, denying the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior February 27, 1907.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc I-201

RPI

Cherokee F981.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated March 29, 1907, (1906), denying the application for the enrollment of Lucile Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior February 27, 1907.

For your information there is enclosed herewith a copy of Departmental letter.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Enc I-200
RPI

Cherokee F 981

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated March 29, 1906, denying the application for the enrollment of Lucile Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior February 27, 1907.

For your information there is enclosedherewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc I-200

RPI

POOR ORIGINAL -
BEST AVAILABLE COPY

Cherokee F 981

Muskogee, Indian Territory, March 7, 1907

Lucile Vann,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated March 29, 1906, denying the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior February 27, 1907.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc F-201

RPI

Department of the Interior.

~~Commissioner to the Five Civilized Tribes,~~

MUSKOGEE, IND. TER.

20803
1898

Return to writer
Unknown





Martha Virgel,

Taft, ~~Indian Territory.~~

4720

4991
1898

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

CLAREMORE
1905

OFFICIAL BUSINESS

3-981

Martha Virgel,

Claremore, Indian Territory.

Cher. Fr. R 1267

Cher. Fr. R 1267

Trans. from Cher. Fr. 1233

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Harrison Curry for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W.W.Hastings, of counsel for Cherokee Nation.

Harrison Curry, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Harrison Martin.
Q How old are you? A I am 34 or '5 or '6, somewhere along there.
Q What is your post office? A Chelsea.
Q What is your district? A Cooweescoowee district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody but yourself? A No one but myself.
Q What is your father's name? A John Curry.
Q Is he living? A No, sir.
Q What is your mother's name? A Charlotte Curry.
Q Is she living? A No, sir.
Mr. Smith: Who are your brothers and sisters? A Mrs. Mary Harris and Mr. Joe Curry and Mrs. Stella Martin and Mrs. Cornelia Martin.
Q Are you on the Kern-Clifton roll? A I am.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified thereon, page 150, No. 5727, Cooweescoowee district.
Q Are you on the Wallace roll? A Yes, sir.
The Wallace roll examined, and the applicant identified thereon, page 191, No. 5472, district not given, as Harrison Adair.
Q How far do you live from Chelsea? A Live out here about three miles and a half.
Q How long have you lived there? A Why where I am living now, I have been there only eight or nine or ten years; I stay with my uncle.
Q What is your uncle's name? A My uncle I am staying with now is named Montgomery, but when I first lived out here, I lived with my aunt, Mrs. Anderson, about two and a half miles.
Q What is her name? A Frances Anderson.
Q Where were you born? A Well, I don't know.
Q What is your family history on that subject; have you been told where you were born? A Why I was always told I was born on the Grand River; my earliest recollection is that; the first I remember I was living with my uncle.
Q Where was he living? A He was living in Garnett, Kansas.
Q How old were you then? A I must have been about eight years old, I think I was.
Q Was your father and mother dead? A Yes, sir.
Q Do you know who took you up there, or do you remember? A I don't remember.
Q When did you come back to the Cherokee Nation after that?
A Why it has been about 15 or 16 years since I came out here to my aunt's, up here on Panther Creek.
Q What aunt did you come to? A Frances Anderson.
Q At that time where did she live? A Right up here on the hill, that big white house.
Q Right near Chelsea? A Yes, sir.

Q About how old were you when you came back? A I was about ten years old, ten or eleven, I don't remember my age exactly, I don't know my age exactly.
Q Have you been living in the Cherokee Nation ever since that time?
A Yes, sir.
Commissioner: Your name on the roll of 1880? A No, sir, I don't know.

Commissioner: Harrison Curry applies for the enrollment of himself. His name is not found upon the roll of 1880 or the census roll of 1896. He is identified upon the Kerns-Clifton roll as Harrison Curry and upon the Wallace roll as Harrison Adair. He avers that he is the sister of Mary Morris, who is listed for enrollment this day on D card 528, and a copy of the testimony in her application will be made part of the record in the case at bar, and will be filed with the testimony taken in the case of the applicant. He makes satisfactory proof as to residence, consequently Harrison Curry will be listed for enrollment as a Cherokee Freedman on what is known as a doubtful card. He will be notified by mail what action the Commission takes as to his application, when arrived at.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Joseph Curry for the enrollment of himself as a Cherokee Freedman.

Joseph Curry, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joseph Curry.
Q How old are you? A About 30 years old.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Dooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anyone besides yourself? A None.
Mr. Smith: Are you kin to Mary Harris? A She is my sister.
Q Have you any other sisters? A Yes, sir.
Q Who are they? A Cornelia Martin and Stella Martin.
Q Any brothers? A One brother, Harrison Curry.
Q Have you been enrolled on any of the rolls; were you on the Kerns-Clifton roll? A Yes, sir.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1880 authenticated rol. of Cherokee Freedmen examined and the applicant identified thereon.

The Kerns-Clifton roll examined and the applicant identified thereon, page 150, No. 5726, Dooweescoowee district, as Joe Curry.

Commissioner: Are you on the Wallace roll? A Yes, sir.
Q Did you draw any money on the Wallace payment? A I think I did
Q Don't you know? A Under Adair, I guess on the Wallace roll.

The Wallace roll examined and the applicant identified thereon page 191, No. 3471, Joseph Adair, district not given.

Q Where were you born? A Cherokee Nation.
Q Where do you live? A In the Cherokee Nation.
Q Who was your father? A My father, John Adair or John Curry.
Q Was he sometimes called one and sometimes the other? A Yes, his slave name was John Adair.
Q Is your father living or dead? A He is dead.
Q How long has he been dead? A 18 years and over, about 18 years.
Mr. Hastings: Where were you born in the Cherokee Nation, what point? A On Grand River.
Q How far from Millie Frye's? A In that neighborhood, I don't know just how far from her house.
Q You lived there until your father and mother died? A Yes, sir.
Q They died during the small pox? A Yes, sir.
Q Andy Frye lived there near you; about how far? A I don't know anything about it, I wasn't old enough to know anything then.
Q Why in 1883 you were 13 years of age? (No response.)
Q When did you leave there? A Sometimes in the year 1883.
Q You lived over there up till that time? A Yes, sir.
Q Who were your neighbors around over there at that time; close to Millie Frye and Andy Frye? A I don't know how far we lived from them.
Q Well, it is over there near Lynch's prairie? A Yes, sir, in the neighborhood.
Q On Grand River? A Yes.
Q South of Vinita? A Somewhere down there.
Q There is where you were born and raised and lived until that time your mother died of the small pox in 1883? A Yes, sir.
Commissioner: You are not married? A Yes, sir.
Q You swear that you have always lived in the Cherokee Nation? A Yes, sir.
Mr. Hastings: You have lived in Kansas? A Why I go back and forth.

Joseph Curry - 2.

Q Where have you been living in Kansas? A I have worked around in different places in Kansas.
Q What places? A I have worked in Parsons, Kansas, and Coffeyville.
Q Ever been married? A No, sir.

Commissioner: Joseph Curry applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kerns-Clifton roll as Joseph Curry and on the Wallace roll as Joseph Adair, that having been his father's name when he was a slave. He makes satisfactory proof as to his residence. In this connection, reference is made to the testimony taken in the case of Mary Harris, who has been listed as a Cherokee Freedman on D card 528, and the testimony in said case will be made part of the record in the case now at bar and will be filed with the same. Joseph Ross will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Ostella Martin for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:
Smith & Mellette, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation;

Ostella Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ostella Martin.
Q How old are you? A I am about 28 years old.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.
Q Do you desire to enroll anybody but yourself? A Why three children.
Q Please give me their names? A Ira Martin.
Q That a boy? A Yes, sir.
Q How old is he? A 9 years old.
Q The next one? A Cecil Martin.
Q How old is Cecil? A 7 years old.
Q The next one? A Roy Martin.
Q How old is Roy? A 5 years old.
Q Are you married? A I am.
Q What is your husband's name? A John Martin.
Q Is he a citizen? A He is.
Q Where is he? A He is out here in the crowd somewhere.
Q Has he been enrolled himself? A I think not.
Q Is his name on the roll of 1880? A I don't know whether his name is or not.
Q Well he ou ght to be here attending to his business and yours.
Mr. Smith: Where were you married? A I was married at Vinita.
Q How long ago? A About 9 years old.
Q Have you any certificate of your marriage with you? A I have, yes, sir I have it with me.

Mr. Smith: I just offer the certificate of marriage.

Commissioner: The applicant presents a certificate of marriage, certifying that she was married by reason of a license issued by the Clerk of the United States Court for the Northern District on the 16th day of February, 1898, to one John Martin, under the name of Estella Martin.

Q Have you any brothers and sisters? A Yes, sir, I have two brothers and two sisters.
Q What are their names? A Joseph Curry and Harrison Curry and Mary Harris and Cornelia Martin.
Q Who was your mother? A My mother was Charlotte Vann, or Adair.
Q Who was your father? A John Curry, or John Adair, either one.
Q Are you on the Kerns-Clifton roll? A I don't know whether I am on the Kerns-Clifton roll or not.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerns-Clifton roll examined and the applicants identified thereon as follows:

Ostella Martin on page 150, No. 5723, Coowescoowee district, as Estell Martin;

Ira Martin on page 150, No. 5724, Coowescoowee district;

Cecil Martin on page 150, No. 5725, Coowescoowee district, as Cecila Martin.

Q Are you on the Wallace roll? A I don't know.

The Wallace roll examined and the applicants not identified thereon.

Mr. Hastings: You are 28? A Near it.

Q Where were you born? A I am told I was born on Grand River, I don't know.

Q You have lived in Kansas? A Why a little, yes, sir.

Q What town in Kansas? A Why I didn't live in any town in particular, I lived in the country.

Q Near what town? A We lived near Garnett.

Q About how far from Garnett? A I don'tremember, about three or four miles, I guess, I don't remember exactly.

Q How old were you when you left up there? A I was between 15 and 16 years old.

Q You come to Vinita then? A No, sir, I came down here to Goodys Bluff.

Q How long had you been living up there in Kansas? A I didn't live there very long, I lived with my sister Sophia or Eda Bird, a short while.

Q About how many years? A I didn't live there only a few months.

Q Where did you go from when you went up there? A Why my uncle taken me I suppose from the river; after my parents died my uncle taken me from the river and placed me with my grandmother.

Q How old were you when your parents died? A I was between nine and ten years old.

Q How long had you been living at the place where your parents died on Grand River? A I don't know how long we had lived at that place, I don't know whether I was born there or not, but I had supposed I had lived there all my life until their death.

Q You were satisfied of that? A Yes, sir, I don't know of any other place.

Q Your uncle then took you to Kansas? A Yes, sir.

Q And you lived at Kansas until you came to Goodys Bluff? A Yes, sir.

Q And who did you live with at Goody's Bluff? A We lived with Eda Bird or Sophia Bird, I don't know what name she goes by, I call her Eda.

Q Your brother Joe with you? A No, sir.

Q Is that the only time you ever lived in Kansas, as far as you know? A Yes, sir, haven't lived in Kansas but the one time.

Q You never was in Kansas but the one time so far as you know? A That is all I know of.

Commissioner: How old were you when your mother died? A I was between nine and ten years old.

Q You recollect your mother? A I have a dim recollection, but very dim.

Q She never told you where you were born? A If she did I don't remember it.

Q Nobody ever told you where you were born? A I have been told since I was born on the river at my grandmothers.

Q Never have been told you were born in Kansas? A No, sir.

Mr. Smith: When you say the river, what do you have reference to? A Grand River.

Q What part of the Grand River? A Near Lynch's Prairie.

Q In the Cherokee Nation? A Yes, sir.

Q What is your earliest recollection of where you lived, where were you as far back as you can remember? A What do you mean?

Q I mean where were you living first, as far back as you can remember? A All I can remember myself is we lived on the place, I don't know just hardly how it was.

Q You said your uncle took you up to Kansas after your mother died? A We lived out on the Prairie.

Q You remember when you lived there? A We lived on the prairie near a little branch.
Q Where did he take you from? A He taken me from out here on Grand River.
Q And where did he take you to? A To my grandmother.
Q And about how long did you stay up there in Kansas? A About four or five years,
Q And then you came back to Goodys Bluff? A Yes, sir.
Q And how long were you then back in the Cherokee Nation before you married? A Why I was in here about three years before I was married; my age on my certificate though isn't right.
Commissioner: Are you the sister of Mary Harris? A I am.
Q And are these three children for whom you apply living at this time? A Yes sir, they are.
Q They were all born in the Cherokee Nation? A All born in the Cherokee Nation.
Mr. Smith: You came when you came back to Goodys Bluff, to whom?
A To my sister.
Q What was her name? A Eda Bird or Sophia Bird.
Q Did you have any other sister? A I have another half sister.
Q What was her name? A Emma Williams.
Q Do you know whether that Eda Bird is on the 1880 roll or not?
A She is.
Commissioner: Is she alive? A No, sir, she is dead.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name Sopha Bird is found thereon, Page 60, No. 184, Coo-weescoowee district.
Mr. Smith: Did your sister Sopha Bird have any children? A Yes, sir.
Q What was their names? A Henry Bird; William Bird first, Henry Bird, Jess Bird, Anna Bird, Ella Bird, and George Bird and Ben Bird and Arthur Bird.
Q Who was the oldest? A William.
Q Who was next to William? A Henry
Q Now Sopha Bird was what kin to you? A She is my half sister.
Commissioner: Same mother or same father? A Same mother.
Mr. Smith: Did you have any other sister? A Emma Williams.
Q Was her name Williams in 1880? A I think it was, yes, sir, it was the only name she had.
Q Is she on the 1880 roll? A Yes, sir, I think she is; maybe it was Emma Lynch; she is the daughter of Art Williams or Art Lynch.
The 1880 authenticated roll of Cherokee Freedmen examined and the name of Emma Williams not found thereon.
Commissioner: Is Sopha Bird your half sister? A Yes, sir.
Q Her name is on the roll of 1880? A Yes, sir.
Q Why isn't your name there then? A I don't know.
Q She older than you? A Yes, sir.
Q She and you always lived in the same place? A Not always.
Q Where was she married? A I don't know.
Q Where was she born? A I dont know that.
Mr. Hastings: Your older sister was a slave, born before the war?
A Well, I don't know.
Mr. Hastings: The representative of the Cherokee Nation present now calls attention to the fact that the rolls show that Sopha Bird was born prior to the war and was therefore herself a slave.

Commissioner: Ostella Martin applies for the enrollment of herself and three children, Ira, Cecil and Roy. She cannot be identified upon the authenticated roll of 1880, or upon the census roll of 1896 or upon the Wallace roll. She is identified upon the Kerns-Clifton roll, as well as her two children, Ira and Cecil. She avers that she is the half sister of the

Sopha Bird, whose name is found upon the authenticated roll of 1880 according to page and number of the roll as indicated in the testimony. In this connection, reference is made to the testimony taken in the application of Mary Harris, who has been listed for enrollment as a Cherokee Freedman on doubtful card D-586, Mary Harris being the sister of the applicant, and the testimony in said case will be made part of the record in the case at bar, and a copy thereof filed with the testimony taken in the case of the applicant. Now then, Ostella Martin and her three children, Ira, Cecil, and Roy, will be listed for enrollment as a Cherokee Freedmen on a doubtful card, to await further consideration by the Commission. She will be notified by mail of the decision of the Commission when arrived at. It will be necessary for her to file satisfactory proof of the birth of her youngest child, Roy, whose name does not appear upon any of the rolls.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Mary Harris for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:

Mellette & Smith, for applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

Mary Harris, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Harris.
Q How old are you? A About 33.
Q What is your post office? A Vinita
Q What district do you live in? A Cooweesoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No, sir.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of your children? A Irene Harris.
Q How old is she? A 12 years old.
Q The next child? A Olive Harris.
Q How old is she? A 10.
Q The next one? A Rheta.
Q How old is Rheta? A 8.
Q Are these children all living at this time? A Yes, sir, they were last Thursday when I left home.
Q If they had died since you would probably have heard of it, wouldn't you? A Yes, sir.
Mr. Smith: Where do you live? A Vinita.
Q Who was your mother? A Charlotte Vann.
Q Who was your father? A John Adair; that was their slave names though.
Q Where were you born? What is the information you have on that?
A In the Cherokee Nation.
Q How long have you lived at Vinita? A 12 years.
Q Where did you live before you lived at Vinita? A Lived a while on Grand River and a while up here on Panther Creek.
Q Was your mother a slave? A Yes, sir.
Q To whom did she belong? A Jim Vann and Ellen Vann.
Q Was your father a slave? A Yes, sir.
Q Your mother's name was what? A Charlotte Vann.
Q What was your father's name? A John Adair was his slave name.
Q You were too young to remember anything, you were not born when the war come up? A I don't think I was, I don't remember anything about it.
Q You say you are about 33? A Yes, sir.
Q Have you any brothers and sisters? A I have two brothers and two sisters.
Q What are their names? A Joe Curry his name is.
Q What is the other brother names? A Harrison Curry; we are all Currys.
Q What is your sister's name? A Cornelia Curry, or Cornelia Martin now, since she is married, and Stella Martin; two sisters married two brothers.
Q That all in your family? A I have two older sisters, they are dead.
Q Just those that are living? A That is all that is living here.
Q Now your father John Adair was sometimes called Curry? A Yes, sir, we knew him as Curry, us children we didn't know anything about his slave name; it seems his father was a Curry.

Q And was Charlotte Vann your mother's slave name? A Charlotte Vann, but we knew her as Charlotte Curry.
Q Now who is the older member of your family, yourself or your brothers or sisters? A Myself.
Q Well, where have you always lived? A Several different places; when I first remember I lived on Grand River.
Q Have you always lived in the Cherokee Nation? A Yes, sir, most of my time.
Q If you have been out at any time state when and what you were doing? A It has been about 18 years since I was out the first time, I went to my grandmother's in Kansas, in Anderson County, near Garnett.
Q How old then; about how old? A About 14 or 15.
Q When did you marry? A I married in 1888.
Q Whose are these children whose names you have given in here? A My own children, they are in Vinita with their papa.
Q Now have you any other brothers and sisters other than the ones you named, at any time? A I had two, but one is dead, I have one living, that we don't know of being dead.
Q What was her name? A Emma Williams, daughter of the same mother.
Q And what was the other one named? A Her name was Sophia Bird or Edie Bird they called her.
Q Do you know whether either one of them was on the 1880 roll or not? A I think both of them was.
Q Have you ever been enrolled? A Yes, sir.
Q Upon what roll? A I drew money on the Kern-Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Mary Harris on page 150, No. 3720, Cooweescoowee district.
Irene Harris on page 150, No. 3720, Cooweescoowee district;
Olive Harris on page 150, No. 3721, Cooweescoowee district;
Rhete Harris on page 150, No. 3722, Cooweescoowee district.

Q Were you on the Wallace roll? A I don't know, I didn't draw any money, I don't know; I was sick, I couldn't get to the payment.

The Wallace roll examined and the applicants not identified thereon.

Q Where does your brother Joe Curry live? A Lives around up with his uncle, he hasn't got any home of his own, permanent home, he lives with with me and my sister.
Q Where does your brother Harrison live? A He lives with my uncle Henry Montgomery.
Q Where is what? A Up here some place on Panther Creek, in this settlement.
Q Near what post office? A It is Chelsea post office, about a mile and a half or two miles from here.
Q Where does your sister Stella Martin live? A Lives right over here on Panther Creek, too.
Q Post office? A Chelsea.
Mr. Hastings: What was your mother's name? A Charlotte Vann.
Q When did she die? A She died about 18 years ago.
Q Where did she die? A On Grand River.
Q And your father's name? A John Curry, as we knew him.
Q The people knew him in the country as John Curry? A Yes, sir, I suppose so; I did.
Q When you were first old enough to remember, you were living where? A On Grand River.
Q How many brothers and sisters did you have? A I had, there was six of us; I have never had but two brothers.

I married I haven't been living in Kansas.
Q I thought you said your husband was living up there? A He was up there working and I was down at my aunt's and I haven't been back, do you understand that.
Q Where are all these sisters and brothers of yours? A When my oldest child was born, my youngest brother Joe was there in the house, and when the next was born, they were both in the house, when the middle was born, and when the youngest was born, they were on Big Creek.
Q Who brought them up, did they live with you up to the time you were married? A No, sir, they were not with me, the youngest one was not at that time, but we have been all together at short times.
Q Who did they make their home with? A With my aunt.
Q What was your aunt's name? A Frances Anderson.
Q Out here north of Chelsea? A Yes, sir, out here where you see that white house.
Q What did your father and mother do down on Lynch's Prairie before that? A I don't know that they did much of anything, my father didn't.
Q Your mother down there? A She lived with her grandmother.
Q What was her grandmother's name? A Granny Charlotte is all I know.
Q You never heard any other name than that? A No, if I did I don't remember it.
Q You were 18 years old? A About that.
Q And yet you don't know your grandmother's name? A Not anything but Granny Charlotte and if I did know anything else and heard it, I have forgotten it.
Commissioner: You know whether your mother is on the roll of 1880 or not? A No, sir, I don't.
Q What was her name? A Charlotte Curry her name was when I was a child.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's mother not identified thereon.
Q These children all alive and living with you? A They are not living with me.
Q Where are they living? A Joe is with me.
Q Your own children? A My children are living with me.
Q All born in the Cherokee Nation? A Yes, sir.

MILLIE FRYE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Millie Frye.
Q Where do you live? A Live on Grand River.
Q What is your post office? A Vinita.
Q How old are you? A 64.
Q Do you know this applicant, Mary Harris? A Yes, sir.
Q How long have you known her? A Ever since she was a small child.
Q Who was her mother? A Charlotte Vann.
Q Was Charlotte Van a slave before the war? A Yes, sir.
Q To whom did she belong? A Ellen Vann.
Q Was Ellen Vann a Cherokee indian? A Yes, sir.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A Lived down on Grand River below the Locust Grove.
Q Do you know whether Charlotte was taken out or went out of the Cherokee Nation during the war, or not? A Yes, sir.
Q Did she? A Yes, sir.
Q When did you first see Charlotte back in the Cherokee Nation after the war? A It was in the year we all had the small pox.
Q When was that? A It has been about 18 years ago.
Mr. Hastings: 1883? A Yes, sir.

Q And three sisters besides yourself? A Yes, sir.
Q Who were you living near over on Grand River? A Art Williams and Millie Frye.
Q You were living as their neighbors? A Yes, sir.
Q About how old were you when you moved away from there? A About 17 years old.
Q You lived there from your earliest recollection till you were about 17? A Yes, I think so.
Q How far from Millie Frye? A I can't tell you.
Q Was it a mile or two miles or five? A I can't tell you.
Q Or twenty? A No, sir, it wasn't twenty, because it is 20 miles from here to Vinita, and it wasn't that far.
Q Who was your nearest neighbor? A I think it was Art Williams.
Q Which side of Grand River did you live on, east or west? A On the other side of the Grand River, on Lynch's Prairie.
Q Salis district? A I don't know nothing about the districts.
Q You say you were 17 years old and you don't know what district you were in? A No, sir, I don't know.
Q And you don't know any more neighbors than those you have mentioned? A I think there was one Buffington.
Q What was his name? A I don't remember, Buffington.
Q How far did you live from Watt West down there? A I don't know.
Q You never heard of her? A I might at the time, but I don't remember him now.
Q Do you mean to say you lived in the neighborhood till you were 17? A Yes, sir, if I was out right when I was young, I don't remember it, but I was about that old when I remember it.
Q And you don't remember your neighbors? A There was Millie Fyre and this Buffington and Art Williams.
Q You don't remember any Cherokees around there at all? A No, I don't know many in Vinita and I have been there 18 years.
Q You have been in Vinita 18 years? A Yes, sir.
Q Where did you come from when you went to Vinita? A Came from out here on Panther Creek.
Q How long had you been living on Panthers Creek? A A year or so.
Q Where did you come from when you went to Panther Creek? A I came from Wichita, Kansas.
Q Where were you married? A Kingman, Kansas.
Q What is your husband's name? A Nelson Harris.
Q How many children have you? A I have three.
Q What is the oldest one's name? A Irene.
Q How old is Irene? A She is 12.
Q Where was Irene born? A Out here on Panther Creek at Fannie Anderson's house.
Q You were visiting there at the time? A I went there for that purpose.
Q Where was your husband? A He was in Kingman, Kansas.
Q That is the reason why you didn't get on the Wallace roll?
A I don't think it was, I went to see Mr. Wallace.
Q You were living in Kansas? A I wasn't no such thing, I told you my husband was living in Kansas.
Q Where was your next child born? A Born in Vinita.
Q How old is it? A 10.
Q Where was your husband living when that child was born?
A He was living right there with me.
Q In Vinita? A Yes, in Vinita.
Q Where was your next child born? A Born there too.
Q Are you certain about that? A Yes, I am.
Q Have you been keeping house there since? A We call it that.
Q Your husband been living with you? A Pretty near it; nobody else.
Q Now he hasn't been living in Kansas? A No, sir, not since

Mr. Smith: How is that? A We had the small pox in 1883.
Q You don't know where she was before that time, of your own knowledge? A No, sir.
Q Well, did you know this girl's father? A Yes, sir.
Q What was his name? A John Curry, they called him, after his father.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Nancy Adair.
Q Is she an indian? A Yes, sir.
Q Cherokee citizen? A Yes, sir.
Q Where were they living before the war? A They lived in Flint, Nancy Adair did.
Q Did you ever see John b ck after the war? A I seen him when he had his family there on the river, saw him the year we had the small pox.
Q You didn't see him until you saw the rest of the ? A No, sir.
Mr. Hastings: You lived right near that? A Yes, sir.
Q That is the first time you ever saw them? A I didn't live ne r them, they just came out on the river to see their grandfather, Charlotte came out to see old man Adams and they quarantined them in there, and her father and mother died with the small pox, and her grandfather and grandmother, and just left the children there alone; that is all I know about it.

John Reese, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A John Reese.
Q Where do you live? A I live in Cooweescoowee district.
Q What is your post office? A Coffeyville.
Q How old are you? A About 59 or 60, somewhere about that.
Q Do you know the applicant, Mary Harris? A Mary Harris?
Q Do you know the woman? A I knowed her father all right.
Q Who was her fathr? A John Curry was her father.
Q Did you know her mother? A I never met her mother.
Q You didn't know her mother then? A No, I never met up with her.
Q Was John Curry a slave? A Yes, sir, he was a Cherokee Freedman.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A Why I saw him on Briar Creek.
Q When? A In the summer of '66.
Q Do you know whether he had his family in the Cherokee Nation at that time, or not? A Why he claimed that he was looking for a house to put his family in.
Q That was in the summer of '66 or fall of '66? A It was in the summer of '66.
Q Where was that? A I was on the old John Alberty place on Pryor Creek.
Q Where was the old John Alberty place? A On Pryor Creek.
Q Near what town or place now? A Why it was the nearest little town to it to my knowing, some calls it Choutosu, wasn't no town at that time.
Q Did you see him any more after that summer when you saw him looking for a location? A I don't know that I met up with John any more, if I did I don't remember after I met up with him on Pryor Creek, he stayed all night with us on the old Alberty place, it was called the old John Alberty place.
Q Stayed all night with you? A Stayed all night with me and old Aunt Sarah Rose and old Uncle Charles Rose and William Sunday, a Cherokee Indian.

Mr. Hastings: All them people are dead that he stayed all night with but you? A Yes sir, they are dead.
Q You never did see his wife? A No, I don't remember of seeing his wife.
Q You don't know this girl? A Never saw the girl.
Q That is the first and last time you ever saw him? A No, it was not the first time I ever seed him.
A It was the last time? A The last time I saw him was on Pryor Creek, I remember being with him.
Q When he stayed all night with you? A Yes, sir.
Q You don't know what year that was? A It was in the year of '66.
Q Know whether it was the spring or summer or fall? A It was in the summer.
Q You are positive about that? A Yes, sir, I am.
Q Positive it wasn't in the spring? A Yes, sir, it wasn't in the spring for it was along in the summer.
Q You are positive it was in the year '66? A It was in the year '66 because I had moved from Fort Gibson up to Pryor Creek and met Bill Sunday and I and Bill Sunday lived on the Alberty house.
Q You remember when a man stayed all night with you 35 years ago?
A I remember him if I was acquainted with him time of the war and I met him again I know it was the same man.
Q You remember that 35 years? A It was reasonable if I had common sence I do.

Fred Martin, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Fred Martin.
Q What is your post office? A Spavinaw.
Q How old are you? A- 43.
Q Do you know Mary Harris this applicant? A Yes, sir.
Q Do you know her mother? A No, sir, I don't know her mother personally.
Q Did you Know her father? A I saw her father.
Q Where did you see him? A I saw her father in '66, in the winter of '66.
Q Was it before Christmas or after Christmas? A It was after Christmas.
Q How long? A I don't remember just how long it was.
Q Where did you see him? A He stayed two or three days at my house, we were living on the John McNair place.
Q How far is that from here? A I don't know.
Q Where is it near, near Vinita, or where? A It is near Adair, I believe they call it ten or eleven miles from Adair.
Q Well, do you know what became of him, where he went to from that place? A He said he was going to Fort Gibson.
Q Did you see him any more after that? A No, sir, I didn't see him any more after that.
Q Did he ever go by any other name than John Curry? A I don't know.
Q Do you know yourself who he belonged to? A No, sir.
Q Do you know any of these children or not; do you know Joe Curry?
A Yes, sir, I know all the children.
Q You know Harrison Curry? A Yes, sir.
Q Know Cornelia Martin? A Yes, sir.
Q Know Stella Martin? A Yes, sir.
Q You have said you know Mary Harris? A Yes, sir.
Q Was anybody with this man Curry when he came to your house?
A No, sir.
Mr. Hastings: You are 43 years of age? A Yes, sir.
Q You were born in '58; you were 8 years old in '66? A I guess I was, I am 43.

Q You remember now and are willing to swear about a man coming to stay all night at your house 35 years ago, when you were eight years old? A Yes, sir, I am willing to swear to what I know.
Q When did you leave Fort Gibson? A Left Fort Gibson in the winter of '66.
Q About what time? A I don't just know what time.
Q Before or after Christmas? A I think it was after Christmas.
Q And where did you move from there? A We moved up here on the River at the John McClair place above Joe Martins.
Q Did you build you a house up there? A No, sir;
Q Moved into one already built? A Yes, sir.
Q One built before or after the war? A One I suppose built before the war.
Q You never saw Joh Curry after that? A No, sir.
Q You never did see his wife? A If I did I didn't know her.
Q When was the first time you saw this girl? A I saw these children off and on for I don't know just how long.
Q After their mother's death? A I supose it was after her death, yes, sir.

Mary Harris, recalled, testified:

Mr. Hastings: How do you account for the statement of Mrs. Frye, your witness, when you in your statement testified that you lived right there by her and a neighbor to her until you were 17 years of age?

Mr. Smith: That is a very unfair question, calling on the witness to account for some other witnesses' statement; I object to it.

Commissioner: Well, if she wants to correct her statement about it she can do it; Go on and answer the question.

Q I didn't understand him to ask me if I lived there all the time until I was 17 years of age; he asked me if I could remember where I was living and I told you.
Q And you said you lived there till you were 17 years of age right by her? A How old were I when I began to remember.
Q I don't know. A You didn't ask me.
Q When did you begin to remember? A I don't know.
Q Have you begun to remember yet? A No, sir.

Mr. Smith: What is your statement with regard to when you was living by Mrs. Frye, how long you lived there? A I thought he asked me when I was living there if I could remember who was my neighbors.
Q When was it you lived by Mrs. Frye? A I lived there on Lynch's Prairie when I remember I was about 14 or 15 years old, and I was there and they lived in that neighborhood.
Q At what time do you mean that you lived by Mrs. Frye? A Why at the time just before we left there.
Q When was that? A That was when I was about 15 years old.
Q How long do you mean to state you lived by Mrs. Frye? A I did 't state I lived there all the time.

Mr. Hastings: I ask you now how long did you? A I don't know.
Q A year? A I don't know whether it was a year or not.
Q Where were you born? A Down on Lynch's Prairie, if I am not mistaken.
Q Right in that same neighborhood? A That is what I have been told
Q And you lived there up to that time?
A I said I was in and out, when I was too young to remember, I don't know where I was.

Mr. Smith: How old were you when your mother died? A About 15 I think.

Q Who died first, your father or mother? A My mother.
Mr. Hastings: Your mother died of small pox? A Yes, sir.

Commissioner: Mary Harris applies for the enrollment of herself and three children, Irene, Olive and Rheta. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but her and her children are duly identified upon the Kerns-Clifton roll, according to page and number of the roll as indicated in the testimony. She makes satisfactory proof as to residence, and now Mary Harris and her three children will be duly listed for enrollment as Cherokee Freedmen on a doubtful card, for the further consideration of the Commission. She will be duly notified of the decision of the Commission in her case when rendered, by mail.

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Supplemental testimony.

Fred Martin, recalled, testified:
Mr. Hastings: How long did you live on the McNair place when you moved up from Fort Gibson? A Lived on there one year.
Q Where did you move from there? A Moved from there up to Greenbrier Joe's place.
Q How long did you live there? A We lived there one year.
Q Then were did you move? A Moved from there then to the Pensacola place.
Q How far is that from Lynch's Prairie? A It is not over two miles and a half.
Q You lived in that neighborhood then how long? A We lived there a year.
Q How long did you live in that neighborhood around there? A Then we moved from there out on Cabin Creek to the John Martin place, and we lived there a year, and we moved from the John Martin place over to Shavinaw Mill.
Q That is on Lynch's Prairie? A No, sir, it is in the hills six miles from Lynch's Prairie; and we lived there a year.
Q Well, where did you move from there? A Moved from there to Vinita.
Q You have lived there ever since? A In Vinita, no sir.
Q Have you been familiar with that Lynch's Prairie settlement since that time? A Why tolerably well, yes sir.
Q You have been down in there frequently? A Been down there very often, after I was living out of there I would do down there.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of June, 1901.

Commissioner.

File with Cherokee Freedman D- 838, Mary Harris.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Mary Harris et al. for enrollment as Cherokee Freedman.

Supplemental testimony on behalf of the ~~Applicants~~ Nation.

Appearances:
J. S. Davenport, of counsel for Cherokee Nation;
Mellette & Smith, attorneys for applicants.

ROBERT BOWEN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert Bowen.
Q How old are you? A 58.
Q What is your postoffice? A Ottumwa, Coffey County, Kansas.
Mr. Davenport: How long have you lived at Ottumwa, Kansas?
A About 46 years.
Q Since you have been living at Ottumwa, did ybu get acquainted with a family of colored people by the name of Harris? A No, I never was acquainted with them by the name of Harris.
Q Did you ever know any colored people by the name of Curry? A Yes sir, I did.
Q What were their first names, Mr. Bowen? A His name was John Curry and her name was Charlotte Curry; that is what we called them there.
Q Do you know whether or not they had any children? A They had five children.
Q Do you know what their names were? A One was Mary, one was Joe, and one was Neely, and Teela, and the next they called him Elder, I think, I believe his name was Harrison Elder.
Q When did you first get acquainted with this Curry family? A '68.
Q Where were they living, if you know, when you got acquainted with them? A They lived right in the southwest corner of the town of Ottumwa, right adjoining my place.
Q How long did they live near your place or adjoining your place?
A They lived there for about 2 years.
Q On whose place did they live, if you know? A When they left over there they lived on Harrison ~~Harry~~ Kelly's place. but that was was on thw township of Ottumwa, that house was.
Q Then where did they go after they moved off the Kelly place, if you know? A Why they moved to a place of their own on the prairie in '73, after they left working for Kelly they moved to a homestead they taken on the prairie.
Q How long did they continue to live in or near Ottumwa, Kansas, after you got acquainted with them? A They lived there from '68 to '84. Mrs. Curry died in the fall of '84 there and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November, '84.
Q What makes you remember it was in November, '84? A I was at the burying and then I saw since then on the grave stone it was in '84, I has been to her grave, I was out there before I started.
Q Then do you know whether or not they moved away from there after that? A Why the children are all gone and he moved from there.
Q Sometime after the death of Mrs. Curry? A After the death of his mother.
Q Well did the family continue to keep house there in this place from the time you got acquainted with them in '67 or '8 up to the death of the mother? A Yes, sir, they lived there all the time, I saw them every few days. I saw them once a week from the time they came there until they went away.
Q And they moved away sometime then since 1884? A Yes, sir.
Q The exact time you don't know? A No, I don't know. I know he ~~was around there a year or so after the death of~~

Mr. Smith: Mr. Boren, when did you first become acquainted with the people about whom you spoke? A It was in '68.

Q You know nothing about them before that? A No, sir.

Q Now the father's name was John? A John Curry, that is the name he went by.

Q What were the names of the children? A The oldest girl was named Mary and the next boy was named Joe, that is what they called him there, and the next Teela and the next Tena and the next Elder, that is what they claimed it was around there.

Q Now what makes you think that one was named Harrison Elder? A He was named for Harrison Kelly.

Q Where did the Elder come in? A I don't know where the Elder came in, but he was named for Harrison Curry, the man they worked for, Harrison, and they added the Elder to it somehow I don't know how, but they always called him Elder.

Q You don't know whether his name was Harrison or not? A They said his name was Harrison Elder, I have heard them call him by that name, but the usual name he went by was Elder.

Q Well now that is Elder and Joe and Mary and Tena, what was the other one? A Neela.

Q Was it ever called by Lela? A Neela is what they always called her there.

Q Where were you in '68? A I lived there on my place.

Q All the time? A Yes, sir.

Q Wasn't away? A No, sir.

Q How long did you live on that place? A Oh I lived there about 18 years.

Q Continuously? A All the time, yes, sir.

Q Never went away? A No, sir, I wasn't away from the place till in '72 I moved to another place, but Curry passed my door right along just the same, I lived on that place about 18 years.

Q Where did he pass the door? A Why he passed the road and the house was right on the side of the road, passing going to his house on the prairie.

Q Did you live by them? A After I moved.

Q How about before you moved? A He worked for me a heap and he lived right on the corner where I lived and he farmed around for me and helped me break prairie and a great many things.

Q That is this man John you are talking about? A Yes, sir.

Q Ever seen any of these children since they left the country?

A I was Elder a year or two ago up about Burlington, he rode up up on the wagon with me, went out from Burlington to Ottumwa.

Q These children lost their mother, you say, the ones you are talking about? A Yes, sir.

Q About how old were they? A Well I think Mary was born the first season they came there in '68 and the rest were born along during the time they lived there.

Q Well how old was the oldest one of them when the mother died?

A I never counted up how old it was but she was born in '68 and their mother died in '84, she was born along in the fall of the year in '68.

Q Well it must have been about 14 years old then? A Something near that I suppose.

Q And then that family scattered and you don't know where they went to? A They scattered after '84 and I don't know where they went to, I heard some came down here and heard some was in Colorado, I heard they went different places, I don't know where they are.

Q The oldest one of the children was about 14 years old when they scattered them? A Yes, sir, I think that is about the age.

Q During the time when you first became acquainted with these people in '68 up to '84, how far was the distance you lived from them?

A About two miles.

Q You don't know whether these people are the same people that are enrolling here for enrollment or not? A I don't know anything

about that.
Mr. Davenport: These children were all born there near Ottumwa?
A My father lives near Ottumwa.
Q State of Kansas? A Yes, sir.

Commissioner: Copies of the foregoing testimony will be filed in the present case, Mary Harris et al., Cherokee Freedman D-528, and also in Cherokee Freedmen case D-521, D-532, D-533, and D-634.

****

Bruce B. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce B. Jones

Sworn to and subscribed before me this the 14th of November, 1901.

M D Green
Notary Public.

F. D. 528.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 16, 1902.

In the matter of the application of Mary Harris and others for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-528.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

HARRY E. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry E. Kelley.
Q What is your postoffice? A Fort Smith.
Q How long have you lived at Fort Smith? A 15 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q What was your postoffice? A Burlington the last few years I lived there, but I was born at Ottumwa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.
Q Did you know a colored man up there by the name of John Curry? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Charlotte.
Q How early do your remember of knowing them? A As early as 1868, I think as early as 1866.
Q Did you know of them in 1866? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bowlin, sometimes called Martin Adair, who was the husband of John Curry's mother.
Q What was her name? A Polly, they also lived on our farm.
Q Well John lived there at the same time? A John lived there from 1866 or 1868 until 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homesteading, not being the best evidence.
COMMISSION: Objection will be noted; proceed.
WITNESS: And moved onto that land and lived there until after Charlotte died.
Q About when did she die, that is his wife? A Yes, his wife, she died about 1884.
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead; I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1868? A Yes, sir.
Q When was that? A Killed a man in our county there about 1866.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A Mary and Teenie and Joe and Harrison, and another one, I can't recall the name of the other one.
Q They were all born there, were they? A No, Mary wasn't born

there they had her the first I can recollect.
Q You don't know where she was born? A Don't know where she was born, but the others were born there.
Q Well what was John's mother's name? A Polly.
Q Well what was her other name, what was she known by? A Polly Bowlin, they were commonly called there, sometimes they called them Adair.
Q Well you say she married a man by the name of Martin Bowlin? A No, they were married when I came there.
Q Well, lived with a man up there by the name of Martin? A Yes, sir, that was her husband then.
Q He went by the name of Martin Bowlin? A Yes, sir, Martin Bowlin.
Q And you knew them in '68? A Yes, sir, first recollection I have of Martin and Polly and their family was moving them out of the bottom time of the flood in '66; they were clearing land for my father and the overflow came, and he brought them up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. A And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not.
Q Do you know who Julia married? A No, I perhaps have heard but I can't recall now.
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife; but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died.
Q About when? A Polly died between '69 and '71, I remember being there when I came home from Ohio in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation, Mr. Kelley? A I am in the real-estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes sir.
Q Do you know whether this Polly Bowlin was also known as Polly Adair? A Yes, sir.
Q You know that she was the mother of John Curry? A Well, she said she was, and it was generally said she was.
Q Well recognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances.
Q And Rachel? A And Rachel and Julia and Nancy.

MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never knew of her as Frances Anderson, no.

Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right in our yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house.
Q And you can't say positively that you knew the Currys before '68?
Q I have no distinct recollection of the Currys before that I

can place, before '68.
Q Yes. A Although I have understood that they came there all togother, the whole bunch.
Q Well I move to strike that because that's what the witness understood and not what he knew.
COMMISSION: Motion will be noted, and the testimony will be considered for all it is worth.
MR. SMITH: But so far as your personal knowledge goes you can't fix that there before '68? A I can't fix the Currys there before '68 on our place.
Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.
Q You spoke of moving somebody up out of the bottom, who was that?
Q Old Martin and his family.
Q Who was Martin with reference to John Curry? A John Curry's mother was old Martin's wife.
Q Then he was John's stepfather? A Yes, sir.
Q Well now you spoke of somebody killing a man, now who was that? A John Curry.
Q Well was that your personal knowledge or a matter of hearsay? A Well I didn't see the killing done, I knew of his being tried there, but it was the first thing of the kind I ever heard, and made quite an impression on me.
Q Can you say which he was tried? A Well it was prior to '68. I can't give you the date, no.
Q Do you know what year it was that he killed the man? A To the best of my recollection was in the spring of '66.
Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.
Q Do you know of your own personal knowledge that he was tried? A Well I was told around town there.
Q You only heard? A Yes, sir.
Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.
COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.
Q When was the last you knew of those Currys? A I knew, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.
Q '84? A '84.
Q What time did you make your visit to Ohio before you went to school? A In '68.
Q How old were you then? A I was 6 years old, about six years and a half old.
Q Then how long were you in Ohio that time? A Oh a month or two, short time.
Q Then when did you return there to school? A I went there to school in the fall of '71.
Q How long did you remain? A I stayed there until the fall of '72.
Q When did you leave that part of Kansas? A '87.
MR. HASTINGS: What was your father's name? A Harrison Kelley.
Q Your father used to represent that section of the country up there? A A member of Congress from that district, if that's what you mean, yes, sir.
Q In what years? A He was elected in '88.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmon cases: D-531, D-533, D-534, D-532, and in D-528, the case at bar.

MR. HASTINGS: The Cherokee Nation asks that this testimony be filed in the case of Frances Anderson, D-627, and in the reference

thereto as follows: D-687, D-689, and D-900.

MR. SMITH: The counsel for Frances Anderson and cases connected therewith and of the same members, object to the filing in these cases of the testimony of the witness Harry F. Kelley, for the reason that it does not appear from said testimony that the Frances mentioned by him is identical with the applicant Frances Anderson.

MR. HASTINGS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness H. F. Kelley's testimony is identical with Frances Anderson for the reason that the the testimony shows that she was a sister of John Curry and the testimony further shows that her mother's name was Polly Adair, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony; and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her step-father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that she visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY F. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, did you know Rachel Steele after she was married? A Yes, sir.
Q Did you know her husband's name? A Harry Steele.
Q Did they live there near you? A They lived on our place, there right by our house, worked for us.
Q Have any children? A Yes, sir.
Q How long did you continue to know them there? A After the death of Rachel's mother she - I don't remember her again until she came back there married to Harry Steele. I think she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.
Q How many children did you say they had? A There was several, I don't recall how many, several children I think of them born there on the place.

Arthur A. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur A. Croninger

Subscribed and sworn to before me this 23nd day of May, 1902.

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 486, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Harris, D 526;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Dill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Comaission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

T. J. Lewis
Notary Public.

Cherokee Freedmen 1233, 1234, 1235, and 1236.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 17, 1907.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY HARRIS, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, No Appearance.
For Cherokee Nation, W. W. Hastings.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that on December 17, 1906 (I.T.D. 24880-1906), the Secretary of the Interior remanded to the Commissioner for further hearing and re-adjudication the Cherokee freedman case of Mary Harris, et al., for the purpose of ascertaining the whereabouts of John and Charlotte Curry from the close of the war of the rebellion up until 1868.

The principal applicants in the case were notified by the Commissioner on December 31, 1906, that they would be permitted to appear before the Commissioner on this January 17, 1907, at nine o'clock A. M., and introduce such testimony as they desired to present upon the point in issue. The case coming on for hearing and having waited until 2:30 P. M., at which time the applicants are called and they fail to appear either in person or by Attorney, the following proceedings were had on behalf of the Cherokee Nation.

MR. HASTINGS:

I desire to offer the evidence of J. M. Keys now out of order in order that he might get away, which really ought to follow some other testimony.

JAMES M. KEYS, being first duly swern by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

Q What is your name? A James M. Keys.
Q How old are you? A 51.

Q What is your postoffice? A Pryor Creek, I. T.
Q Are you the marshal for the Cherokee Nation? A Yes sir.
Q And as such marshal have you made search in Kansas for the whereabouts of the father and mother of the applicants during and immediately after the war? A I have.
Q Did you have occasion to visit the Bowman Cemetery in search of evidence? A Yes sir.
Q I will ask you if you found the grave of Charlotte Curry, the mother of the applicants? A I did.
Q And when was that and what inscription was upon the tombstonce? A It was on or about April 1, 1905, I found an inscription on the tombstones like this; "Charlotte, wife of John Curry, born December 15, 1844, died November 15, 1884."
Q Well where did you find that? A That was upon the tombstone ~~at the head of a grave.~~
Q At what place? A At ornear Ottumwa, Coffee County, Kansas, in the Bowman Cemetery.

ON BEHALF OF THE COMMISSIONER:

Q Do you know that this is the grave of the mother of Mary Harris, Joseph Curry, Ostella Martin, and Harrison Curry? A Yes sir, that is what I understood from inquiry.
Q Who gave you the information? A About the grave?
Q Yes? A Mr. Bowen, Robert L. Bowen.
Q Do you know whether or not he knew this Charlotte Curry? A Yes sir.
Q Do you know anything about her whereabouts during the years 1866, and 1867? A No sir, nothing personally.

(Witness excused).

J. M. JOHNSON, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behal f of Cherokee Nation:

BY MR. HASTINGS:

Q What is your name? A My name is J. M. Johnson.
Q What is your postoffice? Garnett, Kansas.
Q How old are you? A 55 years past.
Q How long have you lived at or in the vicinity of Garnett, Kansas? A 46 years.
Q Did you ever know a colored man by the name of John Curry? A I did, yes sir.
Q When did you learn to know him? A In the year 1868.
Q Did you know his wife? A Yes sir.
Q What was her name? A Charlotte.
Q Did you know her before she was married to John? A Yes sir.

Q Did you know her maiden name? A Her maiden name was Charlotte Vann.
Q How long did you continue to know John and Charlotte there at Garnett? A From 1865 until 1868.
Q Did they live there? A Yes sir, his wife was there and that was their home; therr is where he was assessed for personal property from 1865 to 1868.
Q Do you know whether John Curry got into any trouble there or not? A I know of his being in trouble over in Coffee County.
Q Is that an adjoining County to Anderson County? A Yes sir.
Q Do you know who defended him? A Yes sir.
Q Who? A My father, W. A. Johnson.
Q Well now from 1865, say to 1868, did you have occasion to see him and know of his whereabouts? A Yes sir.
Q Do you know what he did in the years 1866 and 1867? A In 1867, he had a crop there on a farm adjoining the City on the south.
Q Now you said you knew him until about 1868? A Yes sir
Q Where did he go to then? A I think he moved to Coffee County.
Q What would be his postoffice up there? A Ottumwa, I think.
Q But you didn't know of him since that time? A No sir, only what I heard of him.
Q You didn't know personally? A No sir.
Q Now during these years 1866 and 1867, did you know his wife and see her frequently? A Yes sir, she livedright there on an addition south of the City, it is now the Mandovi Addition of Garnett.
Q Do you know whether they owned property there or not? A She did, she owned two lots, lots 16 and 17 Mandovi Addition of Garnett.
Q Did they build on those lots? A Yes sir.
Q Keep house there? A She had a house there, had a house moved on the lots.
Q You say he made a crop on the farm adjoining Garnett in 1867? A Yes sir.
Q Whose farm was that? A George W. Iler owned it.
Q Your father was his Attorney? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q Do you know what John Curry did in 1865? A He was from one place to another, he wasn't working at anything particular then. First one place and then another.
Q Did you miss him from Kansas at any time in 1865? A Not that I know of; he was there most of the time.
Q Do you know what he did in 1866? A He was around, different kinds of work; worked part of the time for my father.
Q Did he make a crop that year? A I couldn't say that he did.
Q What impresses it upon your mind that he made a crop in 1867 other than any other year? A That was the year he was arrested; he was arrested right there and he was cutting his corn at the time they come over to make the arrest.

Q Have you refreshed your memory from any documents as to the date on which he was arrested? A Nothing only just the records which my father has.
Q Have you refreshed your memory from that record? A Yes sir.
Q Do you know when John and Charlotte married? A Yes sir.
Q What year? They were married in August, 1865.
Q How can you remember that? A I got it from the records.
Q The County records? Yes sir, Probate Court; and I will just say this to verify the statements, I examined the tax recordsin regard to the assessment of his personal property just a few days ago.
Q Do the records show he was assessed in 1866 and 1867? A 1867 and 1868; the record of 1866 is not complete.
Q Of your own independent recollection are you prepared to state whether he left the State of Kansas and came to the Cherokee Nation at any time during the years 1866 and 1867? A No sir, I couldn't say that; he might have been here.
Q Do you remember whether you missed him from Kansas during either of those years? A No sir.

(Witness excused)/

ROBERT BOWEN, being first duly sworn by B. F. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR HASTINGS:

Q What is your name? A Robert Bowen.
Q How old are you? A 65.
Q What is your postoffice? A Burlington, Kansas, Coffey, Kansas.
Q How long has that been your postoffice? A About two years.
Q How long have you lived in Kansas? A 52 years next May.
Q Where did you live in 1866, 1867 and 1868 and 1869? A I lived close to Ottumwa, Kansas.
Q Did you know a colored man by the name of John Curry? A I did.
Q Did you know his wife? A Yes sir, Charlotte Curry.
Q When did you learn to know them? A In August, 1867.
Q Well where did they live at that time? A They were supposed to live at Garnett at that time.
Q Well now did they continue to live at Garnett or move near you? A I think it was along in October of that year they moved over right close to me, right across the road there from me on the corner of the town of Ottumwa.
Q Moved there right close to you that fall? A Yes sir, fall of 1867, that is my understanding.
Q Did you know their children? A Yes sir, they were all raised there.

Q what were their names? A Mary was the oldest, Cornelia the next, Joseph the next, Harrison Ellsworth, and Christina the youngest. That is all of them I ever knew.

MR. HASTINGS:
For the purpose of identifying these parties the Cherokee nation moves to be permitted to ask this witness a few questions about what he knows of this family subsequent to 1868.

ON BEHALF OF THE COMMISSIONER:
The motion so far as it touches the residence of John and Charlotte Curry subsequent to the beginning of the year 1868 will be over-ruled. As to the identification of the parties, the motion will be granted.

Q Now you say you knew Mary? A Yes sir, I knew Mary.
Q And you knew all of these children whose names you have mentioned? A Yes sir, I knew of them; I seen them I expect a hundred times when they lived there close to me; been to their house often; Joe Curry was born on my place.
Q Do you know where the wife of John Curry is buried? A She was buried at the Bowman Cemetery a mile and a half west of Ottumwa.
Q Were you present at her burial? A I was.
Q Have you testified previously in this case? A Yes sir.
Q Well now since you testified in this case have you seen Mary Harris? A Yes sir, I saw her, I believe it was in August, this last August.
Q Where? A At Ottumwa.
Q How do you happen to get to see her? A One of the William boys were taking her up on the prairie and she called to me and I didn't know she was and he come to me and told me a woman wanted to see me and I went and it was Mary Curry.
Q Did you talk to her concerning whether or not her parents had ever been to the Cherokee Nation? A She said they were at the Nation before the war; they left the Nation but they never have been back since.
Q Did you talk to her about your having testified in the case before? A I hadn't testified at the time I talked to her there at Vinita.
Q But you talked at Ottumwa? A Yes sir, and then I talked to her at Vinita the first time I was there.
Q Well did she say at Ottumwa whether or not her parents had ever been to the Cherokee nation and as to whether or not their testimony was false? A She didn't say anything about it at Ottumwa when I seen her there; she said I didn't do them any hurt for they got their land, that is the remark she made me.
Q Did she say whether or not her parents had ever been to the Cherokee nation in her conversation at Vinita? A She said they were there before she was born, come from there.

Q Did she say they had ever been here since she was born? A She said they had not.
Q That is the same party about whom you are testifying? A Yes sir.
Q She is a daughter of this John and Charlotte Curry? A She is the oldest child of the family.
Q And these other children whose names you have given are her brothers and sisters? A Yes sir.
Q I believe you said the next one was Cornelia? A Yes sir
Q And the next one Joe? A Yes sir, and the next one Harrison Ellsworth.
Q For whom was he named? A For Harrison Kelley.
Q Ex-Congressman Keeley? A Yes sir
Q And the last one was Christina? A Yes sir, she was the youngest child.

ON BEHALF OF THE COMMISSIONER:

Q Do you know where John and Charlotte Curry were during the year 1866? A They said they lived at Garnett.
Q You don't know anything about them of your own knowledge? A No sir.
Q Is the first time you ever knew them along from August to October along there of 1867? A That is the first time I ever knew them, yes sir; Curry was arrested for shooting this man Clark when I first seen them, she was driving a wagon, four of them in the wagon.
Q And the moved to a place across the road from you? A Yes sir, in October sometime they moved ther e.
Q What impresses it upon your mind it was 1867? A I don't know of anything; it was along at that time for I recollect the time they lived there, up until that time.
Q Where did you live in 1866, at the same place you have been testifying about? A Yes sir
Q Did you live there after that? A Yes sir.
Q Are you su e it couldn't have been the year 1868 they moved to the place across the road from you? A No sir, it wasn't 1868; it was 1867 they moved there, the same time while he was under arrest in October; Harrison Kelly and Williams went down to Garnett and bailed him out and Kelley brought him down there and put him to work and his trial at Burlington shows he was arrested the 15th of August, 1867.
Q Have you consulted that record lately? A Me and Mr. Keys did about the first of April, 1905.
Q And this John Curry who was arrested is the husband of Charlotte and the father of these children you have named? A Yes sir.
Q You don't know where he was directly after the close of the war? A No sir, I don't; I didn't know him until August, 1867; we were making hay and it was in August that I met him on the road there, their horse had stopped in the road and iI stopped, and coached the horse to go.

Q Do you know of your own knowledge whether John and Charlotte Curry were in the Cherokee wation prior to 1868? A I do not.

ON BEHALF OF THE COMMISSIONER:

The Attorneys for the Cherokee Nation states he has no further evidence to introduce, andthere being no appearance on behalf of the applicants, the case will be closed and a decision rendered on the evidence ~~xxxic~~ heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilised Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 18th day of January, 1907.

Chas F Hebert

Notary Public.

Cherokee Freedmen 1233, 1234, 1235, and 1236.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 17, 1907.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY HARRIS, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, No Appearance.
For Cherokee Nation, W. W. Hastings.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that on December 17, 1906 (I.T.D. 24880-1906), the Secretary of the Interior remanded to the Commissioner for further hearing and re-adjudication the Cherokee Freedman case of Mary Harris, et al., for the purpose of ascertaining the whereabouts of John and Charlotte Curry from the close of the war of the rebellion up until 1868.

The principal applicants in the case were notified by the Commissioner on December 31, 1906, that they would be permitted to appear before the Commissioner on this January 17, 1907, at nine o'clock A. M., and introduce such testimony as they desired to present upon the point in issue. The case coming on for hearing and having waited until 2:30 P. M., at which time the applicants are called and they fail to appear either in person or by Attorney, the following proceedings were had on behalf of the Cherokee Nation.

MR. HASTINGS:

I desire to offer the evidence of J. M. Keys now out of order in order that he might get away, which really ought to follow some other testimony.

JAMES M. KEYS, being first duly sworn by B. F. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

Q What is your name? A James M. Keys.
Q How old are you? A 63.

Q What is your postoffice? A Pryor Creek, I. T.
Q Are you the marshal for the Cherokee Nation? A Yes sir.
Q And as such marshal have you made search in Kansas for the whereabouts of the father and mother of the applicants during and immediately after the war? A I have.
Q Did you have occasion to visit the Bowman Cemetery in search of evidence? A Yes sir.
Q I will ask you if you found the grave of Charlotte Curry, the mother of the applicants? A I did.
Q And when was that and what inscription was upon the tombstone? A It was on or about April 1, 1905, I found an inscription on the tombstone like this; "Charlotte, wife of John Curry, born ~~December 15, 1844, died~~ November 15, 1884."
Q Well where did you find that? A That was upon the tombstone at the head of a grave.
Q At what place? A At or near Ottumwa, Coffee County, Kansas, in the Bowman Cemetery.

ON BEHALF OF THE COMMISSIONER:

Q Do you know that this is the grave of the mother of Mary Harris, Joseph Curry, Ostella Martin, and Harrison Curry? A Yes sir, that is what I understood from inquiry.
Q Who gave you the information? A About the grave?
Q Yes? A Mr. Bowen, Robert L. Bowen.
Q Do you know whether or not he knew this Charlotte Curry? A Yes sir.
Q Do you know anything about her whereabouts during the years 1866, and 1867? A No sir, nothing personally.

(Witness excused).

J. M. JOHNSON, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behal f of Cherokee Nation:

BY MR. HASTINGS:

Q What is your name? A My name is J. M. Johnson.
Q What is your postoffice? Garnett, Kansas.
Q How old are you? A 55 years past.
Q How long have you lived at or in the vicinity of Garnett, Kansas? A 46 years.
Q Did you ever know a colored man by the name of John Curry? A I did, yes sir.
Q When did you learn to know him? A In the year 1865.
Q Did you know his wife? A Yes sir.
Q What was her name? A Charlotte.
Q Did you know her before she was married to John? A Yes sir.

Q Did you know her maiden name? A Her maiden name was Charlotte Vann.
Q How long did you continue to know John and Charlotte there at Garnett? A From 1865 until 1868.
Q Did they live there? A Yes sir, his wife was there and that was their home; therr is where he was assessed for personal property from 1865 to 1868.
Q Do you know whether John Curry got into any trouble there or not? A I know of his being in trouble over in Coffee County.
Q Is that an adjoining County to Anderson County? A Yes sir.
Q Do you know who defended him? A Yes sir.
Q Who? A My father, W. A. Johnson.
Q Well now from 1865, say to 1868, did you have occasion to see him and know of his whereabouts? A Yes sir.
Q Do you know what he did in the years 1866 and 1867? A In 1867, he had a crop there on a farm adjoining the City on the south.
Q Now you said you knew him until about 1868? A Yes sir
Q Where did he go to then? A I think he moved to Coffee County.
Q What would be his postoffice up there? A Ottumwa, I think.
Q But you didn't know of him since that time? A No sir, only what I heard of him.
Q You didn't know personally? A No sir.
Q Now during these years 1866 and 1867, did you know his wife and see her frequently? A Yes sir, she livedright there on an addition south of the City, it is now the Mandovi Addition of Garnett.
Q Do you know whether they owned property there or not? A She did, she owned two lots, lots 16 and 17 Mandovi Addition of Garnett.
Q Did they build on those lots? A Yes sir.
Q Keep house there? A She had a house there, had a house moved on the lots.
Q You say he made a crop on the farm adjoining Garnett in 1867? A Yes sir.
Q Whose farm was that? A George W. Iler owned it.
Q Your father was his Attorney? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q Do you know what John Curry did in 1865? A He was from one place to another, he wasn't working at anything particular then. First one place and then another.
Q Did you miss him from Kansas at any time in 1865? A Not that I knew of; he was there most of the time.
Q Do you know what he did in 1866? A He was around, different kinds of work; worked part of the time for my father.
Q Did he make a crop that year? A I couldn't say that he did.
Q What impresses it upon your mind that he made a crop in 1867 other than any other year? A That was the year he was arrested; he was arrested right there and he was cutting his corn at the time they came over to make the arrest.

Q Have you refreshed your memory from any documents as to the date on which he was arrested? A Nothing only just the records which my father has.
Q Have you refreshed your memory from that record? A Yes sir.
Q Do you know when John and Charlotte married? A Yes sir.
Q What year? They were married in August, 1865.
Q How can you remember that? A I got it from the records.
Q The County records? A Yes sir, Probate Court; and I will just say this to verify the statements, I examined the tax recordsin regard to the assessment of his personal property just a few days ago.
Q Do the records show he was assessed in 1866 and 1867? A 1867 and 1868; the record of 1866 is not complete.
Q Of your own independent recollection are you prepared to state whether he left the State of Kansas and came to the Cherokee Nation at any time during the years 1866 and 1867? A No sir, I couldn't say that; he might have been here.
Q Do you remember whether you missed him from Kansas during either of those years? A No sir.

(Witness excused)/

ROBERT BOWEN, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR HASTINGS:

Q What is your name? A Robert Bowen.
Q How old are you? A 65.
Q What is your postoffice? A Burlington, Kansas, Coffey, Kansas.
Q How long has that been your postoffice? A About two years.
Q How long have you lived in Kansas? A 52 years next May.
Q Where did you live in 1866, 1867 and 1868 and 1869? A I lived close to Ottumwa, Kansas.
Q Did you know a colored man by the name of John Curry? A I did.
Q Did you knew his wife? A Yes sir, Charlotte Curry.
Q When did you learn to know them? A In August, 1867.
Q Well where did they live at that time? A They were supposed to live at Garnett at that time.
Q Well now did they continue to live at Garnett or move near you? A I think it was along in October of that year they moved over right close to me, right across the road there from me on the corner of the town of Ottumwa.
Q Moved there right close to you that fall? A Yes sir, fall of 1867, that is my understanding.
Q Did you knew their children? A Yes sir, they were all raised there.

Q what were their names? A Mary was the oldest, Cornelia the next, Joseph the next, Harrison Ellsworth, and Christina the youngest. That is all of them I ever knew.

MR. HASTINGS:
For the purpose of identifying these parties the Cherokee Nation moves to be permitted to ask this witness a few questions about what he knows of this family subsequent to 1868.

ON BEHALF OF THE COMMISSIONER:
The motion so far as it touches the residence of John and Charlotte Curry subsequent to the beginning of the year 1868 will be over-ruled. As to the identification of the parties, the motion will be granted.

Q Now you say you knew Mary? A Yes sir, I knew Mary.
Q And you knew all of these children whose names you have mentioned? A Yes sir, I know of them; I seen them I expect a hundred times when they lived there close to me; been to their house often; Joe Curry was born on my place.
Q Do you know where the wife of John Curry is buried? A She was buried at the Bowman Cemetery a mile and a half west of Ottumwa.
Q Were you present at her burial? A I was.
Q Have you testified previously in this case? A Yes sir.
Q Well now since you testified in this case have you seen Mary Harris? A Yes sir, I saw her, I believe it was in August, this last August.
Q Where? A At Ottumwa.
Q How do you happen to get to see her? A One of the William boys were taking her up on the prairie and she called to me and I didn't know she was and he come to me and told me a woman wanted to see me and I went and it was Harry Curry.
Q Did you talk to her concerning whether or not her parents had ever been to the Cherokee Nation? A She said they were at the Nation before the war; they left the Nation but they never have been back since.
Q Did you talk to her about your having testified in the case before? A I hadn't testified at the time I talked to her there at Vinita.
Q But you talked at Ottumwa? A Yes sir, and then I talked to her at Vinita the first time I was there.
Q Well did she say at Ottumwa whether or not her parents had ever been to the Cherokee nation and as to whether or not their testimony was false? A She didn't say anything about it at Ottumwa when I seen her there; she said I didn't do them any hurt for they got their land, that is the remark she made me.
Q Did she say whether or not her parents had ever been to the Cherokee nation in her conversation at Vinita? A She said they were there before she was born, came from there.

Q Did she say they had ever been here since she was born? A She said they had not.
Q That is the same party about whom you are testifying? A Yes sir.
Q She is a daughter of this John and Charlotte Curry? A She is the oldest child of the family.
Q And these other children whose names you have given are her brothers and sisters? A Yes sir.
Q I believe you said the next one was Cornelia? A Yes sir
Q And the next one Joe? A Yes sir, and the next one Harrison Ellsworth.
Q For whom was he named? A For Harrison Kelley.
Q Ex-Congressman Keeley? A Yes sir
Q And the last one was Christina? A Yes sir, she was the youngest child.

ON BEHALF OF THE COMMISSIONER:

Q Do you know where John and Charlotte Curry were during the year 1866? A They said they lived at Garnett.
Q You don't know anything about them of your own knowledge? A No sir.
Q Is the first time you ever knew them along from August to October along there of 1867? A That is the first time I ever knew them, yes sir; Curry was arrested for shooting this man Clark when I first seen them; she was driving a wagon, four of them in the wagon.
Q And they moved to a place across the road from you? A Yes sir, in October sometime they moved there.
Q What impresses it upon your mind it was 1867? A I don't know of anything; it was along at that time for I recollect the time they lived there, up until that time.
Q Where did you live in 1866, at the same place you have been testifying about? A Yes sir
Q Did you live there after that? A Yes sir.
Q Are you sure it couldn't have been the year 1868 they moved to the place across the road from you? A No sir, it wasn't 1868; it was 1867 they moved there, the same time while he was under arrest in October; Harrison Kelly and Williams went down to Garnett and bailed him out and Kelley brought him down there and put him to work and his trial at Burlington shows he was arrested the 15th of August, 1867.
Q Have you consulted that record lately? A Me and Mr. Keys did about the first of April, 1905.
Q And this John Curry who was arrested is the husband of Charlotte and the father of these children you have named? A Yes sir.
Q You don't know where he was directly after the close of the war? A No sir, I don't; I didn't know him until August, 1867; we were making hay and it was in August that I met him on the road there, their horse had stopped in the road and I stopped and coached the horse to go.

Q Do you know of your own knowledge whether John and Charlotte Curry were in the Cherokee Nation prior to 1868? A. I do not.

ON BEHALF OF THE COMMISSIONER:

The Attorneys for the Cherokee Nation states he has no further evidence to introduce, andthere being no appearance on behalf of the applicants, the case will be closed and a decision rendered on the evidence ~~here~~ heretofore introduced.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 18th day of January, 1907.

Chas S Blakeney

Notary Public.

C.F.B.

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY HARRIS et al. as Cherokee Freedmen, consolidating the applications for the enrollment of:

Mary Harris et al.	Cherokee Freedmen 1233	(D 528)
Joseph Curry,	Cherokee Freedman 1234	(D 531)
Ostella Martin et al.	Cherokee Freedman 1235	(D 532)
Harrison Curry	Cherokee Freedman 1236	(D 533)

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Mary Harris for herself and her minor children, Irene, Olive and Rheta Harris; by Joseph Curry for himself; by Ostella Martin for herself and minor children, Ira, Cecil, Roy and Myrrh E. Martin; and by Harrison Curry for himself. The records further show that on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision herein granting all of said applicants the right to enrollment as Cherokee freedmen, which decision was, on November 12, 1903 (I.T.D.7616-1903), duly approved by the Department; and that the names of said applicants are included in the partial roll of Cherokee freedmen approved by the Secretary of the Interior November 16, 1904, opposite Nos. 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448 and 3449, respectively. The records further show that on December 17, 1906 (I.T.D.7616-03,13666-05, 17158-06, 24880-06), a motion to reopen and reject having been filed by the Attorney for the Cherokee Nation, the Department rescinded its said decision of November 12, 1903, granting the application for the enrollment of said applicants, and returned said case to this office for further hearing and readjudication in view of Departmental decision of April 25, 1906, in the Cherokee freedman case of Jack Starr et al. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as descendants of John and Charlotte Curry, both deceased; that the said John and Charlotte Curry were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the progress of said rebellion they left the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses

Whitmire, trustee, etc. vs. the Cherokee Nation et al., and as provided by Section 3, of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the return of freedmen to the Cherokee Nation.

Attention is here invited to the decision of the Commissioner to the Five Civilized Tribes rendered September 30, 1905, in the matter of the application for the enrollment of Jack Starr et al. as Cherokee freedmen, C.F.D.443, which decision was, on April 25, 1906 (I.T.D.13666-1905), duly approved by the Department. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 12 1907

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Harris, et al. as Cherokee Freedmen, consolidating the applications of

Mary Harris, et al.,.....	Cherokee	Freedmen	D 528
Joseph Curry,.....	"	"	D 531
Ostella Martin, et al.,.....	"	"	D 532
Harrison Curry,.....	"	"	D 533

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Mary Harris for herself and her minor children, Irene, Olive and Rheta Harris; by Joseph Curry for himself; by Ostella Martin for herself and her minor children, Ira, Cecil, Roy and Myrrh M. Martin; and by Harrison Curry for himself.

The evidence shows that all the applicants herein are the descendants of John Curry and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the rebellion; and that the said John and Charlotte Curry were taken out of the Cherokee Nation during the rebellion, but John Curry returned to, and established his residence in said Nation prior to January 19, 1867. All the said descendants of John Curry were born subsequent to the date of his return to the Cherokee Nation, as above stated.

The evidence further shows that the said Joseph Curry and Mary Harris have resided in the Cherokee Nation continuously for more than twelve years immediately preceding the date of their applications herein; and that the said minor children of Mary Harris have resided therein all their lives; that Ostella Martin has resided in said Nation continuously from 1892, up to and including

date of her application herein, and her said minor children have resided therein all their lives; and that Harrison Curry has resided in said Nation continuously for about fourteen years immediately preceding the date of his application herein.

It is, therefore, the opinion of this Commission that Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

W E Haney
Commissioner.

Dated at Muskogee, Indian Territory,

this 10 1903

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I.T., July 29th., 1903.

In the matter of the application for the enrollment of Mary Harris, et al, as Cherokee Freedmen, consolidating the applications of

Mary Harris, et al, Cherokee Freedman D---530
Joseph Curry, Cherokee Freedman D---531
Ostella Martin, et al Cherokee Freedman D---532
Harrison Curry, Cherokee Freedman D---533

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests aginst the decision of the Commission rendered July 10th., 1903 in the above cases, and asks that the same be forwarded to the Secretary of the Interior for review.

We cannot but believe that upon a close examination of the testimony in this case that the Secretary will have no hesitancy in reversing the decision of the Commission.

In the first place-the testimony of Mary Harris, the eldest applicant is very unsatisfactory. She gives no reasonable account of her residence except for the past two or three years. She claims, however, to have lived on Grand River since the home of one of her witnesses, Millie Frye, and that she was living there when she could first remember, whereas Millie Frye testifies that she was not living there and never came to that section of the country until the year of the small pox, which is fixed to be in the year 1885. Now, Millie Frye directly contradicts the principal applicant as to her residence in the Cherokee Nation. This testimony cannot be reconciled. That she did not live there there can be no question, and that her father and mother did not live there there can be no question. The applicants [illegible] claimed to have come to live [illegible] John Curry, and stayed over night with him [illegible] in the summer of 1902, but even if true it could [illegible] [illegible] [illegible] witness, [illegible] [illegible] [illegible]

On the other hand, the proof shows that the Cherokee Nation introduced two unbiased, reputable, responsible non-citizens, the first Robert Bowen, of Ottumwa, Kansas, who gave his age as 58, and whose testimony clearly shows that he knew this family well, and that he knew every member of the family. He even knew the names of the children. He says that he remembers seeing them in Kansas as early as 1868, and he don't know how much earlier, and he knows that they lived there some fifteen years or more; that John Curry homesteaded him a place there, and his testimony is so convincing and positive as to not leave the slightest doubt upon the mind of anyone who reads it but that he was telling the truth. The other witness, Harrison . Kelly, now of Fort Smith, Arkansas, once also lived in Ottumwa, Kansas, and he states that these people lived upon his father's farm at least as early as 1868. It is true he does not remember behind that time, but inasmuch as there is not the slightest testimony to show that John Curry and his wife Charlotte Curry lived in the Cherokee Nation prior to that time, and after the war, it must be presumed that they were living in the neighborhood of Ottumwa, Kansas all the time. Kelly fixes their residence in that neighborhood, until about the year 1884, and in the meantime this same John Curry homesteaded a piece of land in the State of Kansas and moved upon it.

We contend in the first place that even from the testimony of the applicants themselves no case is made out, because, taking their testimony as true, no permanent residence was shown in the Cherokee Nation, because the said John Curry was only seen going through the country, and the Department held in the Maria Hayden case, Freedman Doubtful, 498, that a permanent residence must have been shown to have been shown to have been established. And in the second place, even if it be true that John Curry was ever in the country the testimony of both Bowen and Kelly shows that for sixteen or eighteen years he was a resident of the State of Kansas, permanently resided there, homesteaded land there, all of his children were born there, his wife died and was buried there, and if therefore he ever qualified under the treaty, the clearly forfeited his citizenship under the Cherokee Constitution, because it is not shown that during any of this time any of these applicants ever held any property whatever in the Cherokee Nation. The testimony is so positive and convincing that no residence was established whatever in the Cherokee Nation, and the testimony of Reese and Martin is so unsatisfactory as to seeing the father of these applicants, John Curry here in the year 1866, that we submit this case to the Department fully believing that our contention will be sustained, and that enrollment of these applicants will be refused.

Respectfully submitted,

Z. T. Bell

Wm. Wistings

J. J. Davenport

Attorneys for the Cherokee Nation

Department of the Interior

Commissioner to the Five Civilized Tribes

8/6/17

F 1233 Mary Harris

Information D...

See Letter 1 Feb 17

Who did this ...

Name ...

Appr...

Report

E. C[illegible] Francis.

D[illegible]30.

20

IN RE

Application for Enrollment of

INFANT CHILD

R[illegible] Martin

as a citizen of

C[illegible] Nation

[illegible]ward Jun 10 1901 190

(Sig[illegible]) T.B.Ne[illegible]

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes.

F[illegible] T[illegible] C[illegible] C[illegible]

Ta[illegible] Fe[illegible]
A[illegible] C[illegible]

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ON HIS APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Roy Martin (Here insert name of child.), born on the 2 day of June, 1896

Name of Father: John Martin a citizen of the Cherokee Nation.

Name of Mother: Ostella Martin a citizen of the Cherokee Nation.

Postoffice Chelsea, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Ostella Martin, on oath state that I am 28 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of John Martin, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 2 day of June, 1896; that said child has been named Roy Martin, and is now living.

(Signed) Ostella Martin.

WITNESSES TO MARK:

(Sign in Two Witnesses.)

Subscribed and sworn to before me this 10 day of June, 1896.

(Signed) Louis T. Brown
Notary Public.
(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Sarah Martin, a midwife, on oath state that I attended on Mrs. Ostella Martin, wife of John Martin, on the 2 day of June, 1896; that there was born to her on said date a male child; that said child is now living and is said to have been named Roy Martin

her
Sarah X Martin
mark

WITNESSES TO MARK:

(Sign in Two Witnesses.) (Signed) Ostella Martin

(Signed)

Subscribed and sworn to before me this 10 day of June, 1896.

F.D.532

IN RE

Application for Enrollment of

INFANT CHILD

Myrna Martin

as a citizen of

Cherokee Nation

Approved May 31st 190 0

(Signed) T.B.Needles

Commissioner.

Department of the Interior

Commission to the Five Civilized Tribes.

Filed May 29 1902

Tams Bixby,

Acting Chairman.

Freedman

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Myrrh E. Martin (Here insert name of child.), born on the 7 day of March, 1902

Name of Father: John Martin a citizen of the Cherokee Nation.

Name of Mother: Ostella Martin a citizen of the Cherokee Nation.

Postoffice Chelsea, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Ostella Martin, on oath state that I am twentynine years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of John Martin, who is a citizen, by Blood, of the Cherokee Nation; that a female (Male or Female.) child was born to me on the 7 day of March, 1902; that said child has been named Myrrh E. Martin, and is now living.

(SEAL)

(Signed) Ostella Martin.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of May, 1902.

(Signed) David G. Elliott, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Sarah Martin, a Midwife, on oath state that I attended on Mrs. Ostella Martin, wife of John Martin on the 7 day of March, 1902; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Myrrh E. Martin

her
Sarah x Martin
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)

(Signed) J. D. Miller

(Signed) John Martin

(SEAL)

Subscribed and sworn to before me this 17 day of May, 1902.

(Signed) David G. Elliott, Notary Public.

No. 229

Marriage License.

United States of America,)
Indian Territory, (ss. To any person authorized by law to
First Judicial Division,) Solemnize Marriage-- Greeting:

You are hereby commanded to solemnize the rite and publish the Banns of Matrimony between Mr. John Martin, of Chelsea, in the First Div. Indian Territory, aged 24 years, and Miss. Ostella Curry of _____ in the First Div. Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties herein named.

Witness my hand and Official Seal, this 15th day of February, A. D. 1892.

(signed) Wm. Nelson,
Clerk of U. S. Court.
By C. W. Mason, Deputy.

Certificate of Marriage.

United States of America,)
Indian Territory, (ss. I, Andrew William Lewis a minister
First Judicial Division,) of the Gospel,

Do hereby Certify, that on the sixtenth (16) day of Feb A. D. 1892, I did duly, and according to law, as commanded in foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties herein named.

Witness my hand this sixtenth day of Feb A. D. 1892.

My crediddentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, 2ond Judicial Division, Book A, Page 75.

(signed) Andrew William Lewis,
Minister of the gospel.

Department of the Interior,
Commission to the Five Civilized Tribes.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 9th day of October, 1902.

Notary Public.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

Mary Horonio et al
Joseph Cunny
Osiella Martinez
Harrison Cunny

Department of the Interior,
RECEIVED.
OCT 14 1903
Enc. No. ..... of No. .....
Indian Territory Division.

1715

Chr. To 34399 Mary Harris 1255

JUN 28 1911

Decision Enrolling 11/10/03 (2P) — .75 ✓

Copy Appr. Roll, showing approval by Secty (Mary Harris) .50 ✓

Letter 11/22/06 to Secty, trans. motion to Reopen (2P) — .50 ✓

" 12/17/06 from " granting " " " vacating dec. enrol. (2P) .50 ✓

" 5/16/06 to Secty. rel. Enroll. case Mary Harris (2P) .50 ✓

" 5/28/06 S. A. to Secty rel. above Letter (2P) .50 ✓

Evidl. Proceed. in re enrol. Mary Harris, etal 1/17/07 (7P) 2.75 ✓

Decision denying 2/12/07 — (2P) — .75 ✓

Letter 3/1/07 S.A. to Secty recom. approval of decision denying (1P) .25 ✓

" 3/4/07 Secty from approving " " (2P) .50 ✓

" 12/31/06 to Mary Harris, advising of reopening (1P) .25 ✓

" " " " " W. W. Hastings " " (1P) .25 ✓

" 8/3/07 Granting authority to cancell allot. of Mary Harris ass'g Joseph Curry — (2P) .50 ✓

1254

" 12/31/06 to Joseph Curry, advising of reopening (1P) .25 ✓

" " " W. W. Hastings " " " (1P) .25 ✓

Copy appr. Rol, with approval by Secty (Joseph Curry .50 ✓

Select allot. Cfg. " 32749 Mary Harris (Cfg. allt. not Sel.) .50 ✓

Cfg cancelled " " " 32705 Joseph Curry (Cfg. allt. Sel.) .50 ✓

Stricken from roll in accordance with Department Regulations of Dec. 12, 1902 (Dept. Reg. 24888-1906) 34 7 12 3 3 and March 4, 1907 (L.D.D. 7364-1907).

3439	Harris, Mary	34	7	1/33
3440	Harris, Ida	13	7	1/33
3441	Harris, Olive	11	2	1/33
3442	Harris, Rheta	9	7	1/33

F. D. 528

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190....

Given under my hand this..... day of.....A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 28 day of Oct, 1901.

Hickey & Branch
Attorney for applicant.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 28 1901

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of.....A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee Freedmen:

Case No. F. D. [illegible]

To [illegible] or their attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible], Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible], 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901, in the matter of the application of Mary Harris et al for enrollment as Freedmen of the Cherokee Nation.

J. Willette Smith

Attorney for Applicants.

Cherokee F. #D528.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible]
[illegible], I. T.
[illegible]
[illegible]ister.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Vinita I.T.

District Tahlequah

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother Citizenship

2. Name of wife Mary Harris Age 23

Owner's name Citizenship

Year N. B. Page 150 No. 3119 District Cook

Parents:

Father John Adair or Sunny Citizenship Colored

Mother Charlotte Harris Citizenship Colored

Names of Children:

3. Irene Harris Year N.B. Page 150 No. 3120 Dist. Cook 10

4. Olive " Year N.B. Page 150 No. 3121 Dist. " 10

5. Rheta " Year N.B. Page 150 No. 3122 Dist. " 8

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist. C.N. Cherokee

Application made by Mother Stenographer ~~Grace Van Deusen~~

Father Wallace Bell C. No

Represented by Mellette & Smith, Vinita, I.T.

COPY

Cherokee Freedmen
D-528, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris, et al., granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin, and Harrison Curry, as Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. K-52.

COPY

Cherokee Freedmen
D 531

Muskogee, Indian Territory, August 11, 1903.

Joseph Curry,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enclosure C 16
Register

Cherokee Freedmen
D 632

COPY.

Muskogee, Indian Territory, August 11, 1903.

Ostella Martin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your four minor children, Ira, Cecil, Roy and Myrrh E. Martin, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enclosure C 17
Register

Cherokee Freedmen
D 533

Muskogee, Indian Territory, August 11, 1903.

Harrison Curry,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enclosure C 18
Register

Cherokee Freedmen
D 528-531-2-3

COPY.

Muskogee, Indian Territory, August 11, 1903.

Edgar Smith,

Atty. for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings .

You are hereby advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest has been furnished the principal applicant by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully, T. B. Needles.

Commissioner in Charge.

Enclosure C 19
Register

Cherokee Freedmen
D 528

COPY.

Muskogee, Indian Territory, August 11, 1903.

Mary Harris,

Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your three minor children, Irene, Olive and Rheta Harris, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. [illegible]

Commissioner in Charge.

Enclosure C 16
Register

COPY.

Cherokee Freedmen D 528-531-2-3

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Harris et al., including the Commission's decision dated July 10, 1903, granting the application for the enrollment of Mary, Irene, Olive and Rhota Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C 20

Refer in reply to the following:
Land. 52, 364-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

The Honorable

OFFICE OF INDIAN AFFAIRS/

The Secretary of the Interior. WASHINGTON, Oct. 23, 1903.

Sir:

I have the honor to transmit, herewith, a communication from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record of proceedings in the consolidated case of Mary Harris, et al., applicants for enrollment as citizens of the Cherokee Nation.

Mary Harris applies for the enrollment of herself and her minor children, Irene, Olive and Rheta Harris as Cherokee freedmen. Joseph Curry applies for the enrollment of himself. Ostella Martin applies for the enrollment of herself and her minor children, Ira, Cecil, Ray and Myrrh E. Martin, and Harrison Curry applies for his enrollment.

July 10, 1903, the commission held that all of the applicants were entitled to enrollment as Cherokee freedmen. The Nation protests against the commission's decision. The record in this case shows that all of the applicants are descendants of John and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the Rebellion. John and Charlotte were taken out of the Cherokee Nation during the Rebellion, but John Curry returned to and established a residence in the Cherokee Nation before the expiration of six months from the date of the treaty of 1866. These applicants were born subsequent to the return of John Curry to the Cherokee Nation.

Joseph Curry and Mary Harris have resided in the Cherokee Nation for more than 18 years preceding the date of their applications, and the minor children of Mary Harris have resided there all their lives. Ortella Martin has resided in the nation continuously from 189[illegible], and her children have resided there since their respective births. Harrison Curry has resided in the nation since about 1887. Charlotte Curry, slave name Vann, belonged to Jim and Ellen Vann; John Curry, slave name Adair, belonged to Nancy Adair, a Cherokee Indian.

The Department on May 11, 1900, in construing that part of the Curtis Act which declares that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered February 3, 1896, said that freedmen "who are or were "freedmen who had been liberated by voluntary act of their former "owners, or by law, as well as all free colored persons who were in "the Cherokee country at the commencement of the Rebellion, and were "residents therein at the date of said treaty, or who returned thereto within six months thereafter, and their descendants," were to "be deemed as entitled to enrollment as Cherokee freedmen.

In view of the above quotation from Department letter of May 11 1900, and considering the fact that the record shows that John Curry returned to and settled in the Cherokee Nation within the time specified by the treaty of 1866, the office believes that these applicants should be enrolled as Cherokee freedmen, and recommends the approval of the commission's decision.

Very respectfully,

W. A. Jones,

(G.A.W.)P. Commissioner.

FHS.
TYM.
LRS.

D C No 31713.
I.T.D. 7016-1903. DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 12,1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory .

Gentlemen:

August 11, 1903, you transmitted the record of proceedings had in the consolidated case of Mary Harris(Cherokee Freedmen D-528-531-2-3),et al.,applicants for enrollment as Cherokee Freedmen. The applicants included in this case are Mary Harris,Irene Harris,Olive Harris Rheta Harris,Joseph Curry, Ostella Curry Martin, Ira Martin,Cecil Martin, Roy Martin, Myrrh E.Martin, and Harrison Curry. On July 10, 1903, you rendered a decision granting their applications. The attorney for the Cherokee Nation protests against your decision.

From the record it appears that these applicants are the descendants of John and Charlotte Curry, who were the slaves of Cherokee citizens at the commencement of the war of the rebellion; that John and Charlotte Curry were absent from the Cherokee Nation during the war, but that he returned and established his residence therein before the 19th of January, 1867.

It further appears that the descendants of John Curry,who are applicants herein,were born subsequent to the date of his return to the Cherokee Nation. It further appears that Joseph Curry and Mary Harris have lived in the Cherokee Nation for the last twelve years prior to the date of their applications; that the children of Mary Harris have lived in said Nation all their lives; that Ostella Martin has resided therein since 1892; that her minor children have resided there all their lives, and that Harrison Curry has resided in said

nation for the fourteen years immediately preceding his application.

Reporting in the matter October 23, 1903, the Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

It is considered that these applicants are entitled to enrollment under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat.,495). Your decision granting their applications is therefore affirmed.

Respectfully,

(Signed) Thos.Ryan,

Acting Secretary.,

1 inclosure.

Cherokee Freedmen
D-528.

Muskogee, Indian Territory, November 19, 1903.

Mary Harris,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, the application for the enrollment of yourself and your minor children, Irene, Olive and Rheta Harris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee F. D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

Edgar Smith,

Attorney for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee F.D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
No. 1258.

Muskogee, Indian Territory, December 19, 1904.

Mary Harris,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 8, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the names Mary, Irene, Olive and Rheta Harris appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904, opposite numbers 3439, 3440, 3441 and 3442 respectively.

You are further advised that you will be permitted to appear before the Cherokee Land Office and make allotment selections when your ticket of admission is reached in the regular order.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Muskogee, Indian Territory, October 2, 1905.

Chief Clerk,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

Under date of September 30, 1905, this office recommended that the Department reconsider its decision of November 12, 1903, approving the decision of the Commission to the Five Civilized Tribes granting the applications for the enrollment of Mary Harris, et al. Cherokee Card F-1233, Joseph Curry, Cherokee F-1234, Ostella Martin, Cherokee F-1235, and Harrison Curry, Cherokee F-1236, whose names appear upon a Cherokee Freedmen schedule approved by the Department on November 16, 1904, opposite numbers 3439 to 3449, inclusive.

You are directed to withhold the preparation of any deeds to the parties whose names appear upon said schedule opposite the numbers referred to until further advised by this office.

Respectfully,

Commissioner.

R

Land-F.T.
15602-07
[illegible]-18
2300--20
J E B

R1267

In re Cherokee freedmen enrollment
and allotment claim of Mary Harris, et al.

Mar 3 1920

DEPARTMENT
RECEIVED
MAR 13 1920
ENCL. TO
NO. 1277
SUPT. FIVE CIVILIZED TRIBES

Mr. Harrison Curry.
Box 373,
Chelsea, Oklahoma.

Dear Mr. Curry:

Reference is made herein to your communication inclosing notice to the Secretary of the Interior that on February 14, 1920, or as soon thereafter as possible, you would apply to the District Court of the District of Columbia for a writ of mandamus against the Secretary of the Interior to require him to erase from the final rolls of citizens and freedmen of the Five Civilized Tribes such words, marks and figures as indicated the striking from said rolls of the names of Mary Harris, Irene Harris, Olive Harris, Rhoda Harris, Joseph Curry, Estella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry, and to require that the names of said persons be restored to said rolls as Cherokee freedmen; and, also, to erase such words, marks and figures as indicate the cancellation of their homestead and allotment selections in the former Cherokee Nation.

Referring to your request for the restoration of

FEB 20 1920

For Signature

said names to the final rolls of Cherokee freedmen and for certain restitution to be made, and to your citation to the case of Goldsby vs. the Secretary of the Interior (211 U.S. 149), you are advised that the cases of Mary Harris, et al., are not analogous to those of the Goldsby family covered by the decision of the Supreme Court of the United States in the above mentioned Goldsby suit.

It appears that on July 18, 1903, the Commission to the Five Civilized Tribes rendered a decision favorable to the enrollment of Mary Harris et al., as Cherokee freedmen, and that on November 13, 1903, said decision was affirmed by the Acting Secretary of the Interior, and it was held that the applicants in said case were entitled to enrollment under the provisions of Section 21 of the Act of Congress of June 28, 1898 (30 Stat. L., 495).

It appears that thereafter the names of said Mary Harris et al., were submitted on a schedule prepared by the Commission to the Five Civilized Tribes, which schedule was approved on November 16, 1904, by the then Acting Secretary of the Interior.

Subsequent thereto on motion of the Attorney for the Cherokee Nation, the enrollment cases of Mary Harris et al., were reopened and by letter of December 17, 1906,

of the Assistant Secretary of the Interior the previous decision of the Acting Secretary of the Interior granting the application of the above named claimants was vacated and set aside and a rehearing in the case was ordered.

It appears that after due notice further proceedings were had in said case of Mary Harris et al., and on February 18, 1907, the Commissioner to the Five Civilized Tribes held that said Mary Harris et al., were not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such were accordingly denied. Said adverse decision was affirmed on March 4, 1907 by the Secretary of the Interior.

Thereafter and in accordance with the above mentioned decisions of December 17, 1906 and March 4, 1907, the names of said Mary Harris et al., were stricken from the final rolls of Cherokee freedmen.

The parties to said cases of Mary Harris et al., were not entitled to enrollment or to allotment of the Cherokee tribal land or to distributive shares of the tribal funds.

Inasmuch as said final action adverse to the claimants in said cases was not taken until after a hearing in the case was had upon due notice, and the applicants had been afforded full opportunity to be heard, the cases are not such as come within the purview of the rulings of the Supreme Court of the

United States as laid down in its decision of November 30, 1908 in the case of Goldsby vs. the Secretary of the Interior (211 U.S. 249).

There appears to be no authority of law for the further consideration of the claims of Mary Harris et al., to be restored to the final Rolls of the Cherokee Freedmen, or for the further consideration of their claims to share in the tribal property.

In view of the above and of the rulings of the Supreme Court of the United States contained in its decision of January 27, 1913 in the case of Lane vs. the Secretary of the Interior (228 U.S. 98), and in its decision of December 18, 1917 in the case of the Duncan Townsite Company vs. the Secretary of the Interior (245 U.S. 308), your request for the restoration of the names of Mary Harris et al., to the final approved rolls of Cherokee freedmen and to the restoration of their homestead and allotment selections is therefore hereby denied.

Cordially yours,

(SGD) [illegible] VOGEL

First Assistant to the Secretary.

Muskogee, Indian Territory, May 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 26, 1906 (I.T.D. 13666-1906), wherein the decision of the Commissioner to the Five Civilized Tribes denying the application of Jack Starr, et al., for enrollment as Cherokee Freedmen- consolidated cases D 443 et al.- was affirmed by the Department.

In connection therewith the Department's attention is respectfully invited to letter of this office under date of September 30, 1905, transmitting said consolidated case, wherein the Department's attention was called to the consolidated case of Mary Harris, et al., Cherokee Freedman 1233, formerly D 838; Joseph Curry, Cherokee Freedman 1234, formerly D 831; Ostella Martin, et al., Cherokee Freedmen 1235, formerly D 832, and Harrison Curry, Cherokee Freedman 1236, formerly D 833, wherein it was re-

spectfully recommended that if the Department affirmed the decision of the Commissioner in the consolidated case of Jack Starr , et al., that it reverse the former decision of the Commission to the Five Civilized Tribes in the consolidated case of Mary Harris, et al.

In its letter of April 25, 1906, supra., the Department has evidently overlooked the recommendation of the Commissioner in his letter of September 30, 1905, supra., as no mention was made of Departmental action in the consolidated case of Mary Harris, et al. The Department's attention is again respectfully invited to the Commissioner's letter of September 30, 1905, a copy of which is herewith enclosed for its convenience.

Respectfully,

Through the
Commissioner of Indian Affairs

WMB
Encl. B-61

(Sgd) W. V. Duell
Acting Commissioner

DEPARTMENT OF THE INTERIOR, (COPY)

OFFICE OF INDIAN AFFAIRS,

Land.
43656-1906. WASHINGTON.

May 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 16th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, who refers to Departmental letter of April 25, 1906 (I.T.D. 13666-1905), wherein the decision of the Commissioner to the Five Civilized Tribes denying the application of Jack Starr, et al. for enrollment as Cherokee freedmen was affirmed by the Department.

In connection therewith Mr. Beall invites the attention of the Department to a letter from the Commissioner's office, under date of September 30, 1905, transmitting the consolidated case mentioned, wherein the Department's attention was invited to the consolidated case of Mary Harris et al., applicants for enrollment as Cherokee freedmen, Joseph Curry, Cherokee freedman, Ostella Martin, et al., Cherokee freedmen, and Harrison Curry, Cherokee freedman, wherein it was recommended that if the Department affirmed the decision of the Commissioner in the consolidated case of Jack Starr, et al., it reversed the former decision of the Commission to the Five Civilized

Tribes in the consolidated case of Mary Harris, et al.

He now says that by Office letter of April 25, 1906, the Department gives evidence of having overlooked the recommendation of the Commissioner in his letter of September 30, 1905, as no mention was made of Departmental letter in the consolidated case of Mary Harris, et al. He accordingly invites the attention of the Department again to the Commissioner's letter of September 30, 1905, a copy of which is enclosed for your convenience.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233 ---------- Mary Harris, et al.,
F-1234 ---------- Joseph Curry,
F-1235 ---------- Estella Martin, et al.,
F-1236 ---------- Harrison Curry,
F-1281 ---------- Eliza Gaines,
F-1282 ---------- Jane Webb,
F-1283 ---------- Mary Mabry, et al.,
F-1284 ---------- Berry Thompson, et al.,
F-1285 ---------- Julia Nash,
F-1286 ---------- Georgia Jones, et al.,
F-1287 ---------- John H. Nash, et al.,
F-1288 ---------- Malinda Johnson, et al.,
F-1289 ---------- Martha Greems, et al.,
F-1290 ---------- Berry Nash,
F-1291 ---------- Edward Nash,
F-1292 ---------- Carrie Harris, et al.,
F-1293 ---------- Ella Hames,
F-1295 ---------- Michael Martin,
F-1296 ---------- George Martin, et al.,
F-1297 ---------- Joshua Martin,
F-1298 ---------- Edward Brown, et al.,
F-1299 ---------- Israel Martin, et al.,
F-1300 ---------- Nellie Brown, et al.,
F-1301 ---------- Harriett Tucker, et al.,
F-1302 ---------- Lydia Carter,
F-1303 ---------- Allie McElroy, et al.,

F-1304----------Robert Harper,
F--389----------Mary Robbins, et al.,
F-1414----------Houston West, et al.,
F-1415----------George West, et al.,
F-1416----------Callis West,
F-1417----------Callis West,
F-1494----------Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

LS

Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3438	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Estella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Roy Martin,
3448	Myrrh E. Martin,
3449	Harrison Curry,
3450	Eliza Gaines,
3451	Jane Webb,
3452	Mary Mabry,
3453	Frank Mabry,
3454	Berry Thompson,
3455	Elmer Thompson,
3456	Lee Thompson,
3457	Harrison Thompson,
3458	Julia Nash,
3459	Georgia Jones,
3460	John H. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Roxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
3607	Robert Harper,
3280	Mary Robbins,
3281	Dollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callis West,
3877	Callis West,
4079	Henry West,
4080	Callis West, Jr.,
4081	Cornelius West,
4082	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Katie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name.
4088	Martha West.
4089	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, November 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

September 30, 1905, the Commissioner in transmitting the Cherokee freedmen consolidated applications of Jack Starr et al., recommended that in the event of Departmental approval of his decision adverse to the applicants in the case, that the Cherokee freedmen case of Mary Harris et al., be reopened and the decision therein enrolling the applicants, be reversed. April 25, 1906 (I.T.D. 13666-1905), the Commissioner's decision adverse to the applicants embraced in the case of Jack Starr et al., was affirmed by the Department, and no action was taken on the Commissioner's recommendation in the Harris case. May 16, 1906, this office, referring to the Department's decision of April 25, 1906 , in the Starr case, transmitted a copy of its letter of September 30, 1905, forwarding the Starr case, and called attention to the recommendation in the Harris case.

There is herewith enclosed a motion filed June

25, 1906, by the Attorney for the Cherokee Nation, "to re-open and reject" the applicants embraced in the consolidated case of Mary Harris et al.

For the reasons stated in this office's letter of September 30, 1905, it is respectfully recommended that the Nation's motion be granted.

The decision of the Commission to the Five Civilized Tribes dated July 10, 1903, granting the applications for the enrollment of Mary Harris et al., D 528; Joseph Curry D 531; Ostella Martin et al., D 532, and Harrison Curry D 533, was affirmed by the Department November 12, 1903 (I.T.D. 7616-1903), and the names of the applicants embraced in the case are included in a schedule of Cherokee freedmen approved by the Department November 16, 1904, opposite numbers 3439 to 3449, inclusive. Applications for the selection of allotments of land in the Cherokee Nation for all of the applicants in the Harris case were made to the Commission to the Five Civilized Tribes prior to September 30, 1906, and certificates describing the land selected were mailed to the applicants. No deeds describing the land selected for said applicants have been prepared.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. R-26

Commissioner

(C O P Y)

D.C.55862-1906. G.R.

DEPARTMENT OF THE INTERIOR, VTB

WASHINGTON.

I.T.D. 7616-1905.
13666-1905.
17158-1906.
24880- "

December 17, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, a motion to reopen the consolidated Cherokee freedman enrollment case of Mary Harris et al., transmitted with your letter of November 22, 1906.

In view of departmental decision of April 25, 1906 (I.T.D. 13666-1905), wherein the Department, in the Cherokee freedman case of Jack Starr et al., held that neither John Curry nor Charlotte Curry returned to and established a residence in the Cherokee Nation prior to February 11, 1867, and in view of the fact that John Curry and Charlotte Curry are the alleged ancestors through whom applicants, Mary Harris et al., claim right to enrollment as Cherokee freedmen, said motion to reopen the consolidated Cherokee freedman case of Mary Harris et al., filed by the Cherokee Nation, is hereby granted, and departmental decision of November 12, 1906 (I.T.D.7616), granting the application for the enrollment of the applicants named therein is hereby

vacated and set aside, and the record in the case is returned to you for a rehearing and readjudication in view of departmental decision of April 25, 1906, in the Cherokee freedmen case of Jack Starr et al.

You are requested to confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the war of the rebellion up to 1866, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1866 to 1884.

You will advise applicants and their attorneys of the date for rehearing.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

6 inclosures.

Cherokee Nr.
1266.

Muskogee, Indian Territory, December 31, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of Departmental letter of December 17, 1906, granting your motion to reopen the Cherokee freedmen consolidated case of Mary Harris, et al.

This office is directed to:

"confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1866, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1866 to 1884."

You are advised that the principal applicants have this day been directed to appear before the office of the Commissioner at 9 o'clock A. M., on January 21st, 1907, and introduce testimony showing the whereabouts of their parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1866. The Cherokee Nation will be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

SMK

Commissioner.

Cherokee Freedmen
1283.

Muskogee, Indian territory, December 31, 1906.

Mary Harris,

Vinita, Indian territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of December 17, 1906, granting a motion made by the Attorney for the Cherokee Nation to reopen your Cherokee freedman enrollment case, and ordering a rehearing therein.

This office is directed to:

> "confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are directed to appear before the offices of the Commissioner, at 9 o'clock A. M., on Thursday, January 17, 1907, and introduce testimony showing the whereabouts of your parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1868. Upon your failure to appear and introduce testimony on that date a decision will be rendered in your case on the evidence heretofore introduced. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires.

Respectfully,

JMM

Commissioner.

Cherokee
P 1235 et al.

Muskogee, Indian Territory, January 19, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, January 17, 1907, in the matter of the application for the enrollment of Mary Harris, et al., as Cherokee Freedmen.

Respectfully,

Commissioner.

Incl. CL-15.
GHL

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
1333 (D-888)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 12, 1907.

Mary Harris,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the application for the enrollment of yourself and minor children as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.E-55
JMH

Register

Cherokee F.
1255 et al.
(D 528 et al)

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Mary Harris, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-59
JMH

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Mary Harris, et al., 1233 et al.(D 528 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 12, 1907, denying the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin, and Harrison Curry as Cherokee freedmen.

On December 17, 1906 (I.T.D.7616-1903,13666-1905,17188, 24880-1906), the Department remanded this case to this office for rehearing and readjudication.

Respectfully,

Encl.H-60
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

-Copy-

Land
15802-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Department letter of December 17, 1906 (I.T.D. 24880) there is enclosed a report from Commissioner Bixby, dated February 12, 1907, transmitting the record relative to the application for enrollment of Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry, as Cherokee freedmen. On February 12, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPB-NL

D.C. 12849-1907. J.P.
LBS. O.K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.
7026, 7038, 7072, 7088-07.
7114, 7124, 7130, 7132-07.
7134, 7136, 7138, 7140-07.
7142, 7152, 7156, 7160-07.
7162, 7174, 7176, 7188-07.
7182, 7190, 7192, 7200-07.
7206, 7216, 7218, 7234-07.
7228, 7296, 7330, 7348-07.
7364, 7388-07.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
Sarah E. Shook,	February 23, 1907.
Vernon G. Huddleston (Freedman),	February 16, 1907.
Edward T. Roberts, (intermarried),	February 23, 1907.
Lillie Moffett Dodson,	February 23, 1907.
Eugene and Luminda Snaden (Freedmen),	February 23,1907.
Sarah C. Brackett, (intermarried),	February 26, 1907.
Andrew B. and Robert Leroy Stiles,	February 18, 1907.
Leona and Margree Gunter (Freedmen),	February 23, 1907.
Lydia V. Banks (Freedman),	February 23, 1907.
Eliza and Mamie Benton (Freedmen),	February 21, 1907.
Butler Franklin Stevenson,	February 21, 1907.
Chanie M. Blackwell (Freedman),	February 23, 1907.
Sam Bone et al.,	February 23, 1907.
Emeline Weaver, (intermarried),	February 26, 1907.
John P. Scruggs, (intermarried),	February 22, 1907.
Sarah E. Parks, (intermarried),	February 20, 1907.

Title of Case.	Date of Your Letter of Transmittal.
Lucrecia Tidwell, (intermarried),	February 23, 1907
John Wilkerson, (intermarried),	February 20, 1907
Bennie Mackey (Freedman),	February 11, 1907
Lucy Antoine, (intermarried),	February 23, 1907
Mary E. Bible, (intermarried),	February 4, 1907
Georgia Murry (Freedman),	February 18, 1907
Nicholas Landrum, Jr. (Freedman),	February 23, 1907
Oliver and Cordelia A. Fields (Freedmen),	February 23, 1907
Josephine Harris (Freedman),	February 25, 1907
John Hildebrand,	February 23, 1907
Oscar L. Appleman,	February 20, 1907
Mary A. J. Wixom,	February 23, 1907
Geraldine Montgomery, (Freedman),	February 23, 1907
Martha Tidwell,	February 23, 1907
Emily L. Brown, (intermarried),	February 2, 1907
Sallie Fourkiller,	February 25, 1907
Mary Harris et al. (Freedmen),	February 12, 1907
Elias J. Baumhofer et al.,	February 25, 1907

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

34 ins. and 68 ins.
for Indian Office.

Cherokee F.
1233.

Muskogee, Indian Territory, March 29, 1907.

Mary Harris,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of yourself and children, Irene, Olive and Rheta Harris, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rod[illegible]
Acting Commissioner.

Encl.C-32
LMC

Cherokee
D-113 et al.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Shook, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Encl.C-44
LMC

Cherokee Allotment
Y-3439

Muskogee, Indian Territory, September 26, 1907.

Mary Harris,

Vinita, Indian Territory.

Dear Madam:

On March 4, 1907, the application for the enrollment of yourself and your minor children, Irene, Olive and Rhetta Harris, was finally denied by the Department of the Interior, notice of which action has heretofore been given you. You are now advised that in accordance with Departmental authority of August 3rd (I. T. 65330-1907), the allotments heretofore selected for you and your said children have been cancelled.

Respectfully,

CCC

Acting Commissioner.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

(1)

Return to Writer.
UNCLAIMED.

3548
3581





Mary Harris,

Vinita, Indian Territory.

4100
~~4095~~



Cher Fr R 1268

Trans. from Cher Fr 1234

Cher Fr R 1268

FILED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Tahlequah, I.T.

District Tenneessee

1. Name Joseph Lowry Age 30

Owner's name Citizenship

Year 1880 Page 150 No. 3726 District Goo

Parents:

Father John Lowry - dead Citizenship Colored

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No. Stenographer B.E. Jones

Ap. by P. O. Wallace for Joseph Lowry
on Wallace roll C. 91 No 3411, Joseph Adair. (no dist)

Represented by Mellette & Smith, Tahlequah I.T.

Left D578.

Mr. Hastings: Your motion, Adam, is to [illegible] of another matter? A [illegible]

Q Who died first, Adam [illegible]

Commissioner:

Mr. Hastings: [illegible]

[illegible] identified upon the Kern County Register of Deeds as to [illegible] as to the roll as [illegible] upon the Kern County Assessment roll of 1939 [illegible] Proof Map No. [illegible] and now Mary [illegible] as to [illegible] and the testimony [illegible] three children [illegible] three children [illegible] the duly [illegible] for the purpose [illegible] will be duly noticed [illegible] a dollar [illegible] Commissioner [illegible] by mail.

File with Cherokee Freedman, D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Mary Harris for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:
Mellette & Smith, for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

MARY HARRIS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Harris.
Q How old are you? A About 53.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of your children? A Irene Harris.
Q How old is she? A 12 years old.
Q The next child? A Olive Harris.
Q How old is she? A 10.
Q The next one? A Rheta.
Q How old is Rheta? A 8.
Q Are these children all living at this time? A Yes, sir, they were last Thursday when I left home.
Q If they had died since you would probably have heard of it, wouldn't you? A Yes, sir.
Mr. Smith: Where do you live? A Vinita.
Q Who was your mother? A Charlotte Vann.
Q Who was your father? A John Adair; that was their slave names though.
Q Where were you born? What is the information you have on that? A In the Cherokee Nation.
Q How long have you lived at Vinita? A 12 years.
Q Where did you live before you lived at Vinita? A Lived a while on Grand River and a while up here on Panther Creek.
Q Was your mother a slave? A Yes, sir.
Q To whom did she belong? A Jim Vann and Ellen Vann.
Q Was your father a slave? A Yes, sir.
Q Your mother's name was what? A Charlotte Vann.
Q What was your father's name? A John Adair was his slave name.
Q You were too young to remember anything, you were not born when the war come up? A I don't think I was, I don't remember anything about it.
Q You say you are about 53? A Yes, sir.
Q Have you any brothers and sisters? A I have two brothers and two sisters.
Q What are their names? A Joe Curry his name is.
Q What is the other brother named? A Harrison Curry; we are all Currys.
Q What is your sister's name? A Cornelia Curry, or Cornelia Martin now, since she is married, and Stella Martin; two sisters married two brothers.
Q That all in your family? A I have two older sisters, they are dead.
Q Just those that are living? A That is all that is living here.
Q Now your father John Adair was sometimes called Curry? A Yes, sir, we knew him as Curry, us children we didn't know anything about

his slave name; it seems his father was a Curry.

Q And what Charlotte Vann your mother's slave name? A Charlotte Vann, but we knew her as Charlotte Curry

Q Now who is the older Member of your family, yourself or your brothers or sisters? A Myself.

Q Well, where have you always lived? A Several different places; when I first remember I lived on Grand river.

Q Have you always lived in the Cherokee Nation? A Yes, sir, most of my time.

Q If you have been out at any time state when and what you were doing? A It has been about 18 years since I was out the first time, I went to my grandmother's in Kansas, in Anderson County, near Garnett

Q How old then; about how old? A About 14 or 15.

Q When did you marry? A I married in 1888.

Q Where are these children whose names you have given in here?

A My own children, they are in Vinita with their papa.

Q Now have you any other brothers and sisters other than the ones you named, at any time? A I had two, but one is dead, I have one living, that we don't know of being dead.

Q What was her name? A Emma Williams, daughter of the same mother.

Q And what was the other one named? A Her name was Sophia Bird or Edie Bird they called her.

Q Do you know whether either one of them was on the 1880 roll or not? A I think both of them was.

Q Have you ever been enrolled? A Yes, sir.

Q Upon what roll? A I drew money on the Kern-Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Mary Harris on page 150, No 3719, Cooweescoowee district;
Irene Harris on page 150, No. 3720, Cooweescoowee district;
Olive Harris on page 150, No. 3721, Cooweescoowee district;
Rheta Harris on page 150, No. 3722, Cooweescoowee district.

Q Were you on the Wallace roll? A I don't know, I didn't draw any money, I don't know; I was sick, I couldn't get to the payment.

The Wallace roll examined and the applicants not identified thereon.

Q Where does your brother Joe Curry live? A Lives up with us, he hasn't got any home of his own, permanent home, he lives with me and my sister.

Q Where does your brother Harrison live? A He lives with my uncle Henry Montgomery.

Q Where is that? A Up here some place on Panther Creek, in this settlement.

Q Near what postoffice? A It is Chelsea postoffice, about a mile and a half or two miles from here.

Q Where does your sister Stella Martin live? A Lives right over here on Panther Creek, too.

Q Postoffice? A Chelsea.

Mr. Hastings: What was your mother's name? A Charlotte Vann.

Q When did she die? A She died about 18 years ago.

Q Where did she die? A On Grand River.

Q And your father's name? A John Curry, as we knew him.

Q The people knew him in the country as John Curry? A Yes, sir, I suppose so; I did.

Q When you were first old enough to remember, you were living where? A On Grand River.

Q How many brothers and sisters did you have? A I had, there

was six of us; I have never had but two brothers.
Q And three sisters besides yourself? A Yes, sir.
Q Who were you living near over on Grand River? A Art Williams and Millie Frye.
Q You were living at their neighbors? A Yes, sir.
Q About how old were you when you moved away from there? A About 17 years old.
Q You lived there from your earliest recollection till you were about 17? A Yes, I think so.
Q How far from Millie Frye? A I can't tell you.
Q Was it a mile or two miles or five? A I can't tell you.
Q Or twenty? A No, sir, it wasn't twenty, because it is 20 miles from here to Vinita, and it wasn't that far.
Q Who was your nearest neighbor? A I think it was Art Williams.
Q Which side of Grand River did you live on, east or west? A On the other side of Grand River, on Lynch's Prairie.
Q Saline district? A I don't know nothing about the districts.
Q You say you were 17 years old and you don't know what district you were in? A No, sir, I don't know.
Q And you don't know any more neighbors than those you have mentioned? A I think there was one Buffington.
Q What was his name? A I don't remember, Buffington.
Q How far did you live from Watt West down there? A I don't know.
Q You never heard of him? A I might at the time, but I don't remember him now.
Q Do you mean to say you lived in the neighborhood till you were 17? A Yes, sir, if I was out right when I was young, I don't remember it, but it was about that old when I remember it.
Q And you don't remember your neighbors? A There was Millie Frye and this Buffington and Art Williams.
Q You don't remember any Cherokees around there at all? A No, I don't know many in Vinita and I have been there 12 years.
Q You have been in Vinita 12 years? A Yes sir.
Q Where did you come from when you went to Vinita? A Came from out here on Panther Creek.
Q How long have you been living on Panther Creek? A A year or so.
Q Where did you come from when you went to Panther Creek? A I came from Wichita, Kansas.
Q Where were you married? A Kingman, Kansas.
Q What is your husband's name? A Nelson Harris.
Q How many children have you? A I have three.
Q What is the oldest one's name? A Irene.
Q How old is Irene? A She is 12.
Q Where was Irene born? A Out here on Panther Creek at Fannie Anderson's house.
Q You were visiting there at the time? A I went there for that purpose.
Q Where was your husband? A He was in Kingman, Kansas.
Q That is the reason why you didn't get on the Wallace roll.
A I don't think it was, I went to see Mr. Wallace.
Q You were living in Kansas? A I wasn't no such thing, I told you my husband was living in Kansas.
Q Where was your next child born? A Born in Vinita.
Q How old is it? A 10.
Q Where was your husband living when that child was born?
A He was living right there with me.
Q In Vinita? A Yes, in Vinita.
Q Where was your next child born? A Born there too.
Q Are you certain about that? A Yes, I am.
Q Have you been keeping house there since? A We call it that.
Q Your husband been living with you? A Pretty near it; nobody else.

Q Now he hasn't been living in Kansas? A No, sir, not since I married I haven't been living in Kansas.

Q I thought you said your husband was living up there? A He was up there working and I was down at my aunt's and I haven't been back, do you understand that.

Q Where are all these sisters and brothers of yours? A When my oldest child was born, my youngest brother Joe was there in the house, and when the next was born, they were both in the house, when the middle was born, and when the youngest was born, they were on Big Creek.

Q Who brought them up, did they live with you up to the time you were married? A No, sir, they were not with me, the youngest one was with me at that time, but we have been all together at short times.

Q Who did they make their home with? A With my aunt.

Q What was your aunt's name? A Frances Anderson.

Q Out here neath of Chelsea? A Yes, sir, out here where you see that white house.

Q What did your father and mother do down on Lynch's Prairie before that? A I don't know that they did much of anything, my father didn't.

Q Your mother down there? A She lived with her grandmother.

Q What was her grandmother's name? A Granny Charlotte is all I know.

Q You never heard any other name than that? A No, if I did I don't remember it.

Q You were 17 years old? A About that.

Q And yet you don't know your grandmother's name? A Not anything but Granny Charlotte and if I did know anything else and heard it, I have forgotten it.

Commissioner: You know whether your mother is on the roll of 1880 or not? A No, sir, I don't.

Q What was her name? A Charlotte Curry her name was when I was a child.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's mother not identified thereon.

Q These children all alive and living with you? A They are not living with me.

Q Where are they living? A Joe is with me.

Q Your own children? A My children are living with me.

Q All born in the Cherokee Nation? A Yes, sir.

MILLIE FRYE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Millie Frye.

Q Where do you live? A Live on Grand River.

Q What is your postoffice? A Vinita.

Q How old are you? A 64.

Q Do you know this applicant, Mary Harris? A Yes, sir.

Q How long have you known her? A Ever since she was a small child.

Q Who was her mother? A Charlotte Vann.

Q Was Charlotte Vann a slave before the war? A Yes, sir.

Q To whom did she belong? A Ellen Vann.

Q Was Ellen Vann a Cherokee Indian? A Yes, sir.

Q A citizen of the Cherokee Nation? A Yes, sir.

Q Where did she live? A Lived down on Grand River below the Locust Grove.

Q Do you know whether Charlotte was taken out or went out of the Cherokee Nation during the war, or not? A Yes, sir.

Q Did she? A Yes, sir.

Q When did you first see Charlotte back in the Cherokee Nation after the war? A It was in the yes we all had the small pox.

Q When was that? A It has been about 18 years ago.

Mr. Hastings: 1883? A Yes, sir.
Mr. Smith: How is that? A We had the small pox in 1883.
Q You don't know where she was before that time, of your own knowledge? A No, sir.
Q Well, did you know this girl's father? A Yes, sir.
Q What was his name? A John Curry, they called him, after his father.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Nancy Adair.
Q Is she an indian? A Yes, sir.
Q Cherokee citizen? A Yes, sir.
Q Were were they living before the war? A They lived in Flint, Nancy Adair did.
Q Did you ever see John back after the war? A I seen him when he had his family there on the river, saw him the year we had the small pox.
Q You didn't see him until you saw the rest of them? A No, sir.
Mr. Hastings: You lived right near that? A Yes sir.
Q That is the first time you ever saw them? A I didn't live near them, they just came out on the river to see their grandfather, Charlotte came out to see old man Adams and they quarantined them in there, and her father and mother died with the smallpox, and her grandfather and grandmother, and just left the children there alone; that is all I know about it.

JOHN REESE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A John Reese.
Q Where do you live? A I live in Cooweescoowee district.
Q What is your postoffice? A Coffeyville.
Q How old are you? A About 59 or 60, somewhere about that.
Q Do you know the applicant, Mary Harris? A Mary Harris?
Q Do you know the woman? A I knowed her father all right.
Q Who was her father? A John Curry was her father.
Q Did you know her mother? A I never met her mother.
Q You didn't know her mother then? A No, I never met up with her.
Q Was John Curry a slave? A Yes, sir, he was a Cherokee Freedman.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A WhyI saw him on Brair Creek.
Q When? A In the summer of '66.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A Why I saw him on Briar Creek.
Q When? A In the summer of '66.
Q Do you know whether he had his family in the Cherokee Nation at that time, or not? A Why he claimed that he was looking for a house to put his family in.
Q What was in the summer of '66 or fall of '66? A It was in the summer of '66.
Q Where was that? A I was on the old John Alberty place onn Pryor Creek.
Q Where was the old John Alberty place? A On Pryor Creek.
Q Near what town or place now? A Why it was the nearest little town to it to my knowing, some calls it Chouteau, wasn't no town at that time.
Q Did you see him any more after that summer when you saw him looking for a location? A I don't know that I met up with John any more, if I did I don't remember after I met up with him on Pryor Creek, he stayed all night with me on the old Alberty place, it

was called the old John Alberty place.
Q Stayed all night with you? A Stayed all night with me and old Aunt Sarah Ross and old Uncle Charles Ross and William Sunday, a Cherokee Indian.
Mr. Hastings: All them people are dead that he stayed all night with, but you? A Yes, sir, they are dead.
Q You never did see his wife? A No, I don't remember of seeing his wife.
Q You d n't know this girl? A Never saw the girl.
Q That is the first and last time you ever saw him. A No, it was not the first time I ever seed him.
Q It was the last time? A The last time I saw him was on Pryor Creek, I remember being with him.
Q When he stayed all night with you? A Yes, sir.
Q You don't know what year that was? A It was in the year of '66.
Q Know whether it was the spring or summer or fall? A It was in the summer.
Q You are positive about that? A Yes, sir, I am.
Q Positive it wasn't in the spring? A Yes, sir, it wasn't in the spring for it was along in the summer.
Q You are positive it was in the year '66? A It was in the year '66 because I had moved from Fort Gibson up to Pryor Creek and met Bill Sunday and I and Bill Sunday lived in the Alberty house.
Q You remember when a man stayed all night with you 35 years ago?
A I remember him if I was acquainted with him time of the war and I met him again I know it was the same man.
Q You remember that 35 years? A It was reasonable if I had common sense I do.

FRED MARTIN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Fred Martin.
Q What is your postoffice? A Spavinaw.
Q How old are you? A 45.
Q Do you know Mary Harris, this applicant? A Yes, sir.
Q Do you know her mother? A No, sir, I don't know her mother personally.
Q Did you know her father? A I saw her father.
Q When did you see him? A I saw her father in '66, in the winter of '66.
Q Was it before Christmas or after Christmas? A It was after Christmas.
Q How long? A I don't remember just how long it was.
Q Where did you see him? A He stayed two or three days at my house, we were living on the John McNair place.
Q How far is that from here? A I don't know.
Q Where is it near, near Vinita, or where? A It is near Adair, I believe they call it ten or eleven miles from Adair.
Q Well, do you know what became of him, where he went to from that place? A He said he was going to Fort Gibson.
Q Did you see him any more after that? A No, sir, I didn't see him any more after that.
Q Did he ever go by any other name than John Curry? A I don't know.
Q Do you know yourself who he belonged to? A No, sir.
Q Do you know any of these children or not; do you know Joe Curry?
A Yes, sir, I know all the children.
Q You know Harrison Curry? A Yes, sir.
Q Know Cornelia Martin? A Yes, sir.
Q Know Stella Martin? A Yes, sir.
Q You have said you know Mary Harris? A Yes, sir.
Q Was anybody with this man Curry when he came to your house?
A No, sir.

Mr. Hastings: You are 45 years of age? A Yes, sir.
Q You were born in '68; you were 8 years old in '66? A I guess I was, I am 45.
Q You remember now and are willing to swear about a man coming to stay all night at your house 35 years ago, when you were eight years old? A Yes, sir, I am willing to swear to what I know.
Q When did you leave Fort Gibson? A Left Fort Gibson in the winter of '66.
Q About what time? A I don't know just what time.
Q Before or after Christmas? A I think it was after Christmas.
Q And where did you move from there? A We moved up here on the River at the John McNair place above Joe Martin's.
Q Did you build you a house up there? A No, sir.
Q Moved into one already built? A Yes, sir.
Q One built before or after the war? A One I suppose built before the war.
Q You never saw John Curry after that? A No, sir.
Q You never did see his wife? A If I did I didn't know her.
Q When was the first time you saw this girl? A I saw these children off and on for I don't know just how long.
Q After their mother's death? A I suppose it was after her death, yes, sir.

MARY HARRIS, recalled, testified:
Mr. Hastings: How do you account for the statement of Mrs. Frye, your witness, when you in your statement testified that you lived right there by her and a neighbor to her until you were 17 years of age?

Mr. Smith: That is a very unfair question, calling on the witness to account for some other witness' statement; I object to it.

Commissioner: Well, if she wants to correct her statement about it, she can do it. Go on and answer the question.

A I didn't understand him to ask me if I lived there all the time until I was 17 years of age; he asked me if I could remember where I was living and I told you.
Q And you said you lived there till you were 17 years of age right by her? A How old were I when I began to remember.
Q I don't know. A You didn't ask me.
Q When did you begin to remember? A I don't know.
Q Have you begun to remember yet? A No, sir.
Mr. Smith: What is your statement with regard to when you was living by Mrs. Frye, how long you lived there? A I thought he asked me when I was living there if I could remember who was my neighbors.
Q When was it you lived by Mrs. Frye? A I lived there on Lynch's Prairie when I remember I was about 14 or 15 years old, and I was there and they lived in that neighborhood.
Q At what time do you mean that you lived by Mrs. Frye? A Why at the time just before we left there.
Q When was that? A That was when I was about 15 years old.
Q How long do you mean to state you lived by Mrs. Frye? A I didn't state I lived there all the time.
Mr. Hastings: I ask you now how long did you? A I don't know.
Q A year? A I don't know whether it was a year or not.
Q Where were you born? A Down on Lynch's Prairie, if I am not mistaken.
Q Right in that same neighborhood? A That is what I have been told.
Q And you lived there up to that time? A I said I was in and out, when I was too young to remember, I don't know where I was.
Mr. Smith: How old were you when your mother died? A About 15 I think.

Q Who died first, your father or mother? A My mother.
Mr. Hastings: Your mother died of smallpox? A Yes, sir.

Commissioner: Mary Harris applies for the enrollment of herself and three children, Irene, Olive and Rheta. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but her and her children are duly identified upon the Kern-Clifton roll, according to page and number of the roll as indicated in the testimony. She makes satisfactory proof as to residence, and now Mary Harris and her three children will be duly listed for enrollment as Cherokee Freedmen on a doubtful card, for the further consideration of the Commission. She will be duly notified of the decision of the Commission in her case when rendered, by mail.

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Supplemental testimony.

FRED MARTIN, recalled, testified:
Mr. Hastings: How long did you live on the McNair place when you moved up from Fort Gibson? A Lived on there one year.
Q Where did you move from there? A Moved from there up to Greenbriar Joe's place.
Q How long did you live there? A We lived there one year.
Q Then where did you move? A Moved from there then to the Pensacola place.
Q How far is that from Lynch's Prairie? A It is not over two miles and a half.
Q You lived in that neighborhood then how long? A We lived there a year.
Q How long did you live in that neighborhood around there? A Then we moved from there out on Cabin Creek to the John Martin place, and we lived there a year, and we moved from the John Martin place over to Spavinaw Mill.
Q That is on Lynch's Prairie? A No, sir, it is in the hills six miles from Lynch's Prairie; and we lived there a year.
Q Well, where did you move from there? A Moved from there to Vinita.
Q You have lived thereever since? A In Vinita, no, sir.
Q Have you been familiar with that Lynch's Prairie settlement since that time? A Why tolerably well, yes sir.
Q You have been down in there frequently? A Been down there very often, after I was living out of there I would go down there.

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BRUCE C. JONES, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 18th of August, 1903.

Commissioner.

File with Cherokee Freedman 3-311, Joseph Curry.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Mary Harris et al. for enrollment as Cherokee Freedman.

Supplemental testimony on behalf of the Cherokee Nation.

Appearances:
J. S. Davenport, of counsel for Cherokee Nation;
Mellette & Smith, attorneys for applicants.

ROBERT BOWEN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert Bowen.
Q How old are you? A 58.
Q What is your postoffice? A Ottumwa, Coffey County, Kansas.
Mr. Davenport: How long have you lived at Ottumwa, Kansas?
A About 46 years.
Q Since you have been living at Ottumwa, did you get acquainted with a family of colored people by the name of Harris? A No, I never was acquainted with them by the name of Harris.
Q Did you ever know any colored people by the name of Curry? A Yes sir I did.
Q What were their first names, Mr. Bowen? A His name was John Curry and her name was Charlotte Curry; that is what we called them there.
Q Do you know whether or not they had any children? A They had five children.
Q Do you know what their names were? A One was Mary, one was Joe, and one was Neely, and Teela, and the next they called him Elder, I think, I believe his name was Harrison Elder.
Q When did you first get acquainted with this Curry family? A '68.
Q Where were they living, if you know, when you got acquainted with them? A They lived right in the southwest corner of the town of Ottumwa, right adjoining my place.
Q How long did they live near your place or adjoining your place?
A They lived there for about 2 years.
Q On whose place did they live, if you know? A When they left over there they lived on Harrison ~~Curry~~ Kelly's place, but that was was on thw township of Ottumwa, that house was.
Q Then where did they go after they moved off the Kelly place, if you know? A Why they moved to a place of their own on the prairie in '73, after they left working for Kelly they moved to a homestead they taken on the prairie.
Q How long did they continue to live in or near Ottumwa, Kansas, after you got acquainted with them? A They lived there from '68 to '84, Mrs. Curry died in the fall of '84 there and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November, '84.
Q What makes you remember it was in November, '84? A I was at the burying and then I saw since then on the grave stone it was in '84, I has been to her grave, I was out there before I started.
Q Then do you know whether or not they moved away from there after that? A Why the children are all gone and he moved from there.
Q Sometime after the death of Mrs. Curry? A After the death of his mother.
Q Well did the family continue to keep house there in this place from the time you got acquainted with them in '67 or '8 up to the death of the mother? A Yes, sir, they lived there all the time, I saw them every few days, I saw them once a week from the time they came there until they went away.
Q And they moved away sometime then since 1884? A Yes, sir.
Q The exact time you don't know? A No, I don't know, I know he was around there a year or so after [illegible]

Mr. Smith: Mr. Boren, when did you first become acquainted with the people about whom you spoke? A It was in '68.

Q You know nothing about them before that? A No, sir.

Q Now the father's name was John? A John Curry, that is the name he went by.

Q What were the names of the children? A The eldest girl was named Mary and the next boy was named Joe, that is what they called him there, and the next Teela and the next Tena and the next Elder, that is what they claimed it was around there.

Q Now what makes you think that one was named Harrison Elder? A He was named for Harrison Kelly.

Q Where did the Elder come in? A I don't know where the Elder came in, but he was named for Harrison Curry, the man they worked for, Harrison, and they added the Elder to it somehow I don't know how, but they always called him Elder.

Q You don't know whether his name was Harrison or not? A They said his name was Harrison Elder, I have heard them call him by that name, but the usual name he went by was Elder.

Q Well now that is Elder and Joe and Mary and Tena, what was the other one? A Neela.

Q Was it ever called by Lela? A Neela is what they always called her there.

Q Where were you in '68? A I lived there on my place.

Q All the time? A Yes, sir.

Q Ain't away? A No, sir.

Q How lon did you live on that place? A Oh I lived there about 18 years.

Q Continuously? A All the time, yes, sir.

Q Never went away? A No, sir, I wasn't away from the place till in '72 I moved to another place, but Curry passed my door right along just the same, I lived on that place about 18 years.

Q Where did he pass the door? A Why he passed the road and the house was right on the side of the road, passing going to his house on the prairie.

Q Did you live by them? A After I moved.

Q How about before you moved? A He worked for me a heap and he lived right on the corner where I lived and he farmed around for me and helped me break prairie and a great many things.

Q That is this man John you are talking about? A Yes, sir.

Q Ever seen any of these children since they left that country? A I was Elder a year or two ago up about Burlington, he made up up on the wagon with me, went out from Burlington to Ottumwa.

Q These children lost their mother, you say, the ones you are talking about? A Yes, sir.

Q About how old were they? A Well I think Mary was born the first season they came there in '68 and the rest were born along during the time they lived there.

Q Tell how old was the eldest one of them when the mother died? A I never counted up how old it was but she was born in '68 and their mother died in '84, she was born along in the fall of the year in '68.

Q Well it must have been about 14 years old then? A Something near that I suppose.

Q And then that family scattered and you don't know where they went to? A They scattered after '84 and I don't know where they went to, I heard some over down here and heard some was in Colorado, I heard they went different places, I don't know where they are.

Q The oldest one of the children was about 14 years old when they scattered then? A Yes, sir, I think that is about the age.

Q During the time when you first became acquainted with these people in '68 up to '84, how far was the distance you lived from them? A About one mile.

Q You don't know whether these people are the same people that are surviving there [illegible] at present? A I don't [illegible]

sworn that:

Davenport: These children were all born there near Ottumwa.

Ottumwa.

State of Kansas } ss.

Commissioner: Copies of the foregoing testimony will be filed in the present case, Mary Harris et al., Cherokee freedmen D-535, and filed in Cherokee freedmen case D-431, D-539, D-535, and D-534.

***

...concerned by the special per... would
the firm of attorneys representing these applicants, on
the 31st day of May, 1902, and that this being the 31st day of May,
1902, we say that under the rulings of the Commission, that under
the agreement between the attorneys, that the testimony in all these
cases is to close and should be closed by the Commission, and that
no extension should be granted in any case and no case reopened
unless there is some special and particular reason shown either by
the Cherokee Nation on the one side or the applicant on the other
why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me ...ontained.

E. G. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Celia Chambers, D 446;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Freed D 830

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applipant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Joseph Garry, D 531;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Harris, et al. as Cherokee Freedmen, consolidating the applications of

Mary Harris, et al.,.....	Cherokee	Freedman	D 528
Joseph Curry,.....	"	"	D 531
Ostella Martin, et al.,.....	"	"	D 532
Harrison Curry,.....	"	"	D 533

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Mary Harris for herself and her minor children, Irene, Olive and Rhoda Harris; by Joseph Curry for himself; by Ostella Martin for herself and her minor children, Ira, Cecil, Roy and Myrtle E. Martin; and by Harrison Curry for himself.

The evidence shows that all the applicants herein are the descendants of John Curry and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the rebellion; and that the said John and Charlotte Curry were taken out of the Cherokee Nation [illegible] and John Curry returned to, and established [illegible] prior to January 19, 1867. All the [illegible] of John Curry were born subsequent to the date of [illegible]

date of her application herein, and her said minor children have resided therein all their lives; and that Harrison Curry has resided in said Nation continuously for about fourteen years immediately preceding the date of his application herein.

It is, therefore, the opinion of this Commission that Mary Harris, Irene Harris, Olive Harris, Edwin Harris, Joseph Curry, Estella Martin, Eva Martin, Cecil Martin, Ray Martin, Byrd E. Martin and Harrison Curry, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

T.B. Needles.
Commissioner.

C.R. Breckinridge.
Commissioner.

W.E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 0 1902

G.P.B.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY HARRIS et al. as Cherokee Freedmen, consolidating the applications for the enrollment of;

Mary Harris et al.	Cherokee Freedmen	1235 (D 508)
Joseph Curry,	Cherokee Freedmen	1236 (D 511)
Cecelia Martin et al.	Cherokee Freedmen	1238 (D 538)
Harrison Curry	Cherokee Freedmen	1234 (D 513)

DECISION

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commissioner to the Five Civilized Tribes by Mary Harris for herself and her minor children, Irene, Olive and Rhoda Harris; by Joseph Curry for himself; by Cecelia Martin for herself and minor children, Mrs. Cecil, Ray and Myrth E. Martin; and by Harrison Curry for himself. The records further show that on July 10, 1905, the Commission to the Five Civilized Tribes rendered its decision herein granting all of said applicants the right to enrollment as Cherokee freedmen, which decision was, on November 18, 1905 (I.T.D. 7816-1905), duly approved by the Department; and that the names of said applicants are included in the partial roll of Cherokee freedmen approved by the Secretary of the Interior November 16, 1906, opposite Nos. 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448 and 2449, respectively. The records further show that on December 17, 1906 (I.T.D. 7816-06, 11888-06, 17888-06, 20888-06), a motion to reopen and reject having been filed by the Attorney for the Cherokee Nation, the Department rescinded its said decision of November 18, 1905, granting the application for the enrollment of said applicants, and returned said case to this office for further hearing and readjudication in view of Departmental decision of April 24, 1906, in the Cherokee freedmen case of Jack Starr et al. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as descendants of John and Charlotte Curry, both deceased; that the said John and Charlotte Curry were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the progress of said rebellion they left the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Mose

C.F.D.

Whitmire, trustee, etc. vs. the Cherokee Nation et al., and as provided by Section 2, of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the return of freedmen to the Cherokee Nation.

Attention is here invited to the decision of the Commissioner to the Five Civilized Tribes rendered September 20, 1906, in the matter of the application for the enrollment of Jack Starr et al. as Cherokee freedmen C.F.D. 441, which decision was, on April 25, 1906 (I.T.D. 12006-1906), duly approved by the Department. Excepting the Dorn-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), Mary Harris, Irene Harris, Olive Harris, Rhoda Harris, Joseph Curry, Estella Martin, Ira Martin, Cecil Martin, Ray Martin, Myrtle E. Martin and Harrison Curry are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such are accordingly denied.

_____
Commissioner.

Dated at Muskogee, Indian Territory,
this Sept 12 1907

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Dated at [illegible],
[illegible], I. T.
[illegible]-31.
[illegible]ister.

Cherokee Freedmen
D-428, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Matieu,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris, et al., granting the application for the enrollment of Mary, Irene, Olive and Rhoda Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh M. Martin, and Harrison Curry, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B.

Commissioner in Charge.

Enc. M-82.

COPY

Cherokee Freedmen D 828-831-2-3

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Harris et al., including the Commission's decision dated July 10, 1903, granting the application for the enrollment of Mary, Irene, Olive and Rhoda Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C 20

COMMISSIONERS
TAMS BIXBY.
THOMAS B[illegible].
C. R. BREVARD.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 531

Muskogee, Indian Territory, August 11, 1903.

Joseph Curry,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enclosure C 16
Register

Cherokee Freedmen
D 520-631-3-6

Muskogee, Indian Territory, August 11, 1903.

Edgar Smith,

Atty. for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the application for the enrollment of Mary, Irene, Olive and Rhoda Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings .

You are hereby advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest has been furnished the principal applicant by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully, T. B. Needles

Commissioner in Charge.

Enclosure # 19
Register

Refer in reply to the following:
Land. 62, 364-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

The Honorable OFFICE OF INDIAN AFFAIRS,

The Secretary of the Interior. WASHINGTON, Oct. 23, 1903.

Sir:

I have the honor to transmit, herewith, a communication from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record of proceedings in the consolidated case of Mary Harris, et al., applicants for enrollment as citizens of the Cherokee Nation.

Mary Harris applies for the enrollment of herself and her minor children, Irene, Olive and Rheta Harris as Cherokee freedmen. Joseph Curry applies for the enrollment of himself. Ostella Martin applies for the enrollment of herself and her minor children, Ira, Cecil, Ray and Myrrh E. Martin, and Harrison Curry applies for his enrollment.

July 10, 1903, the commission held that all of the applicants were entitled to enrollment as Cherokee freedmen. The Nation protests against the commission's decision. The record in this case shows that all of the applicants are descendants of John and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the Rebellion. John and Charlotte were taken out of the Cherokee Nation during the Rebellion, but John Curry returned to and established a residence in the Cherokee Nation before the expiration of six months from the date of the treaty of 1866. These applicants were born subsequent to the return of John Curry to the Cherokee Nation.

Joseph Curry and Mary Harris have resided in the Cherokee Nation for more than 10 years preceding the date of their applications, and the minor children of Mary Harris have resided there all their lives. Ortella Martin has resided in the nation continuously from 18[illegible], and her children have resided there since their respective births. Harrison Curry has resided in the nation since about 1887. Charlotte Curry, slave name Vann, belonged to Jim and Ellen Vann; John Curry, slave name Adair, belonged to Nancy Adair, a Cherokee Indian.

The Department on May 11, 1900, in construing that part of the Curtis Act which declares that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered February 3, 1896, said that freedmen "who are or were "freedmen who had been liberated by voluntary act of their former "owners, or by law, as well as all free colored persons who were in "the Cherokee country at the commencement of the Rebellion, and were "residents therein at the date of said treaty, or who returned there-"to within six months thereafter , and their descendants," were to "be deemed as entitled to enrollment as Cherokee freedmen.

In view of the above quotation from Department letter of May 11 1900, and considering the fact that the record shows that John Curry returned to and settled in the Cherokee Nation within the time specified by the treaty of 1866, the office believes that these applicants should be enrolled as Cherokee freedmen, and recommends the approval of the commission's decision.

Very respectfully,

W. A. Jones,

Commissioner.

(C.A.W.)P.

D C No 31713.
C.T. . 7 1-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 12,1903.

FHC,
JWW.
LRC.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory .

Gentlemen:

August 11, 1903, you transmitted the record of proceedings had in the consolidated case of Mary Harris(Cherokee Freedmen D-528-531-2-3),et al.,applicants for enrollment as Cherokee Freedmen. The applicants included in this case are Mary Harris,Irene Harris,Olive Harris Rheta Harris,Joseph Curry, Ostella ~~Curry~~ Martin, Ira Martin,Cecil Martin, Roy Martin, Myrrh M.Martin, and Harrison Curry. On July 10, 1903, you rendered a decision granting their applications. The attorney for the Cherokee Nation protests against your decision.

From the record it appears that these applicants are the descendants of John and Charlotte Curry, who were the slaves of Cherokee citizens at the commencement of the war of the rebellion; that John and Charlotte Curry were absent from the Cherokee Nation during the war, but that he returned and established his residence therein before the 19th of January, 1867.

It further appears that the descendants of John Curry,who are applicants herein,were born subsequent to the date of his return to the Cherokee Nation. It further appears that Joseph Curry and Mary Harris have lived in the Cherokee Nation for the last twelve years prior to the date of their applications; that the children of Mary Harris have lived in said Nation all their lives;that Ostella Martin has resided therein since 1892;that her minor children have resided there all their lives,
in said Nation ~~for~~ and that Harrison Curry has resided in said

nation for the fourteen years immediately preceding his application.

Reporting in the matter October 23, 1905, the Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

It is considered that these applicants are entitled to enrollment under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat.,495). Your decision granting their applications is therefore affirmed.

Respectfully,

(Signed) Thos.Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-521.
3

Muskogee, Indian Territory, November 19, 1903.

Joseph Curry,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee F. D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

Edgar Smith,

Attorney for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee T.D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Estella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby

Chairman.

COPY.

Cherokee Freedmen
No. 1234.

Muskogee, Indian Territory, December 19, 1904.

Joseph I. Curry,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 8, relative to your enrollment as a Cherokee freedman.

In reply you are advised that your name appears upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904, opposite number 3443.

You are further advised that you will be permitted to appear before the Cherokee Land Office and make an allotment selection when your ticket of admission is reached in the regular order.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

rf

Muskogee, Indian Territory, October 2, 1905.

Chief Clerk,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

Under date of September 30, 1905, this office recommended that the Department reconsider its decision of November 12, 1903, approving the decision of the Commission to the Five Civilized Tribes granting the applications for the enrollment of Mary Harris, et al. Cherokee Card F-1833, Joseph Curry, Cherokee F-1834, Ostella Martin, Cherokee F-1835, and Harrison Curry, Cherokee F-1836, whose names appear upon a Cherokee Freedmen schedule approved by the Department on November 14, 1904, opposite numbers 3439 to 3443, inclusive.

You are directed to withhold the preparation of any deeds to the parties whose names appear upon said schedule opposite the numbers referred to until further advised by this office.

Respectfully,

Commissioner.

R

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233	Mary Harris, et al.,
F-1234	Joseph Curry,
F-1235	Ostella Martin, et al.,
F-1236	Harrison Curry,
F-1281	Eliza Gaines,
F-1282	Jane Webb,
F-1283	Mary Mabry, et al.,
F-1284	Berry Thompson, et al.,
F-1285	Julia Nash,
F-1286	Georgia Jones, et al.,
F-1287	John H. Nash, et al.,
F-1288	Malinda Johnson, et al.,
F-1289	Martha Greene, et al.,
F-1290	Berry Nash,
F-1291	Edward Nash,
F-1292	Carrie Harris, et al.,
F-1293	Ella Hynes,
F-1295	Michael Martin,
F-1296	George Martin, et al.,
F-1297	Joshua Martin,
F-1298	Edward Brown, et al.,
F-1299	Lorah Martin, et al.,
F-1300	Nellie Brown, et al.,
F-1301	Harriett Tucker, et al.,
F-1302	Lydia Carter,
F-1303	Allie McMurry, et al.,

F-1304 ---------- Robert Harper,
F--389 ---------- Mary Robbins, et al.,
F-1414 ---------- Houston West, et al.,
F-1415 ---------- George West, et al.,
F-1416 ---------- Callie West,
F-1417 ---------- Callie West,
F-1494 ---------- Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

LS

Muskogee, Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Ostella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Roy Martin,
3448	Myrrh E. Martin,
3449	Harrison Curry,
3530	Eliza Gaines,
3531	Jane Webb,
3532	Mary Mabry,
3533	Frank Mabry,
3534	Berry Thompson,
3535	Elmer Thompson,
3536	Lee Thompson,
3537	Morrison Thompson,
3538	Julia Nash,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Allen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter Mckinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Brown, Lama
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Margie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Mexie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Anna Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3606	Allie McElroy,
3606	Ella Taylor,
3607	Robert Harper,
3250	Mary Robbins,
3251	Dollie Rogers,
3252	Sherman Jones,
3866	Houston West,
3867	Ina East,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callie West,
3877	Callie West,
4078	Henry West,
4079	Callie West, Jr.,
4081	Cornelius West,
4082	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Katie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name.
4088	Martha West.
4089	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, November 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

September 30, 1905, the Commissioner in transmitting the Cherokee freedmen consolidated applications of Jack Starr et al., recommended that in the event of Departmental approval of his decision adverse to the applicants in the case, that the Cherokee freedmen case of Mary Harris et al., be reopened and the decision therein enrolling the applicants, be reversed. April 25, 1906 (I.T.D. 13666-1905), the Commissioner's decision adverse to the applicants embraced in the case of Jack Starr et al., was affirmed by the Department, and no action was taken on the Commissioner's recommendation in the Harris case. May 16, 1906, this office, referring to the Department's decision of April 25, 1906, in the Starr case, transmitted a copy of its letter of September 30, 1905, forwarding the Starr case, and called attention to the recommendation in the Harris case.

There is herewith enclosed a motion filed June

25, 1906, by the Atterney for the Cherokee Nation, "to re-open and reject" the applicants embraced in the consolidated case of Mary Harris et al.

For the reasons stated in this office's letter of September 30, 1905, it is respectfully recommended that the Nation's motion be granted.

The decision of the Commission to the Five Civilized Tribes dated July 10, 1903, granting the applications for the enrollment of Mary Harris et al., D 528; Joseph Curry D 531; Estella Martin et al., D 532, and Harrison Curry D 533, was affirmed by the Department November 12, 1903 (I.T.D. 7616-1903), and the names of the applicants embraced in the case are included in a schedule of Cherokee freedmen approved by the Department November 16, 1904, opposite numbers 3439 to 3449, inclusive. Applications for the selection of allotments of land in the Cherokee Nation for all of the applicants in the Harris case were made to the Commission to the Five Civilized Tribes prior to September 30, 1905, and certificates describing the land selected were mailed to the applicants. No deeds describing the land selected for said applicants have been prepared.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. R-38

Commissioner

(C O P Y)

D.C.55562-1906. G.R.

DEPARTMENT OF THE INTERIOR, IJB

WASHINGTON.

I.T.D. 7616-1903.
13666-1905.
17158-1906.
24680-

December 17, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, a motion to reopen the consolidated Cherokee freedman enrollment case of Mary Harris et al., transmitted with your letter of November 22, 1906.

In view of departmental decision of April 25, 1906 (I.T.D. 13666-1905), wherein the Department, in the Cherokee freedman case of Jack Starr et al., held that neither John Curry nor Charlotte Curry returned to and established a residence in the Cherokee Nation prior to February 11, 1867, and in view of the fact that John Curry and Charlotte Curry are the alleged ancestors through whom applicants, Mary Harris et al., claim right to enrollment as Cherokee freedman, said motion to reopen the consolidated Cherokee freedman case of Mary Harris et al., filed by the Cherokee Nation, is hereby granted, and departmental decision of November 12, 1903 (I.T.D.7616), granting the application for the enrollment of the applicants named therein is hereby

vacated and set aside, and the record in the case is returned to you for a rehearing and readjudication in view of departmental decision of April 25, 1906, in the Cherokee freedman case of Jack Starr et al.

You are requested to confine your rehearing to testimony to determine the whereabouts of John Curry and Charlette Curry from the close of the war of the rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884.

You will advise applicants and their attorneys of the date for rehearing.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

6 inclosures.

R468

Cherokee Freedmen
1834.

Muskogee, Indian Territory, December 31, 1906.

Joseph Curry,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of December 17, 1906, granting a motion made by the Attorney for the Cherokee Nation to reopen your Cherokee freedman enrollment case, and ordering a rehearing therein.

This office is directed to:

> "confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are directed to appear before the offices of the Commissioner at 9 o'clock A. M., on Thursday, January 17, 1907, and introduce testimony showing the whereabouts of your parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1868. Upon your failure to appear and introduce testimony on that date, a decision will be rendered in your case on the evidence heretofore introduced. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such evidence as it desires.

Respectfully,

JMK

Commissioner.

R1268

Cherokee Fr.
1233.

Muskogee, Indian Territory, December 31, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of Departmental letter of December 17, 1906, granting your motion to reopen the Cherokee freedman consolidated case of Mary Harris, et al.

This office is directed to:

"confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are advised that the principal applicants have this day been directed to appear before the offices of the Commissioner at 9 o'clock A. M., on January 17, 1907, and introduce testimony showing the whereabouts of their parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1868. The Cherokee Nation will be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

JMK

Commissioner.

Cherokee F.
1234 (D 831)

Muskogee, Indian Territory, February 12, 1907.

Joseph Curry,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the application for your enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.H-66
JMH

Commissioner.

Register.

Cherokee F.
1835 et al.
(D 528 et al).

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Mary Harris, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of thr Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-59
JMH

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Mary Harris, et al., 1233 et al.(D 528 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 12, 1907, denying the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin, and Harrison Curry as Cherokee freedmen.

On December 17, 1906 (I.T.D.7616-1903,13666-1905,17158, 24880-1906), the Department remanded this case to this office for rehearing and readjudication.

Respectfully,

Encl.E-60.
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

(C O P Y)

Land
15802-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Department letter of December 17, 1906, (I.T.D. 24880) there is enclosed a report from Commissioner Bixby, dated February 12, 1907, transmitting the record relative to the application for enrollment of Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry, as Cherokee freedmen. On February 12, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPB-ML

D.C. 12849-1907 J.P.

LRS O.K.

DEPARTMENT OF THE INTERIOR,

I.T.D.
7026, 7038, 7072, 7088-07 WASHINGTON.
7114, 7124, 7130, 7132-07
7134, 7136, 7138, 7140-07
7142, 7152, 7156, 7160-07 March 4, 1907.
7162, 7174, 7176, 7180-07
7182, 7190, 7192, 7200-07
7208, 7216, 7218, 7224-07
7228, 7296, 7330, 7348-07
7364, 7388-07

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
Sarah E. Shook,	February 23, 1907
Vernon G. Huddleston (Freedman),	February 16, 1907
Edward T. Roberts, (intermarried),	February 23, 1907
Lillie Moffett Dodson,	February 23, 1907
Eugene and Lucinda Snaden (Freedmen),	February 23, 1907
Sarah C. Brackett, (intermarried),	February 23, 1907
Andrue E. and Robert Leroy Stiles,	February 10, 1907
Leone and Margree Gunter (Freedmen),	February 23, 1907
Lydia V. Banks (Freedman),	February 23, 1907
Eliza and Mama Benton (Freedmen),	February 21, 1907
Butler Franklin Stevenson,	February 21, 1907
Chanie M. Blackwell, (Freedman),	February 23, 1907
Sam Bane et al.,	February 23, 1907
Emeline Weaver, (intermarried),	February 25, 1907
John P. Scruggs, (intermarried)	February 22, 1907
Sarah E. Parks, (intermarried),	February 20, 1907

Title of Case.	Date of Your Letter of Transmittal.
Lucrecia Tidwell, (intermarried),	February 23, 1907.
John Wilkerson, (intermarried),	February 20, 1907.
Bennie Mackey (Freedman),	February 11, 1907.
Lucy Antoine, (intermarried),	February 23, 1907.
Mary E. Bible, (intermarried),	February 4, 1907.
Georgia Murry (Freedman),	February 18, 1907.
Nicholas Landrum, Jr. (Freedman),	February 23, 1907.
Oliver and Cordelia A. Fields (Freedmen),	February 23, 1907.
Josephine Harris (Freedman),	February 25, 1907.
John E. Hildebrand,	February 23, 1907.
Oscar L. Appleman,	February 20, 1907.
Mary A. J. Wixom,	February 23, 1907.
Geraldine Montgomery (Freedman),	February 23, 1907.
Martha Tidwell,	February 23, 1907.
Emily L. Brown, (intermarried),	February 2, 1907.
Sallie Fourkiller,	February 25, 1907.
Mary Harris et al. (Freedmen),	February 12, 1907.
Elias J. Baumhofer, et al.,	February 25, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

34 inc. and 68 inc.
for Indian Office.

Cherokee
D-113 et al.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Shook, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

C. H. Rode
Acting Commissioner.

Encl. C-44
LMC

Cherokee F.
1234.

Muskogee, Indian Territory, March 29, 1907.

Joseph Curry,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-32
LMC

Acting Commissioner.

3

Department of the Interior

Commissioner to the Five Civilized Tribes

Date: 5
4/6/17

Information Desired:

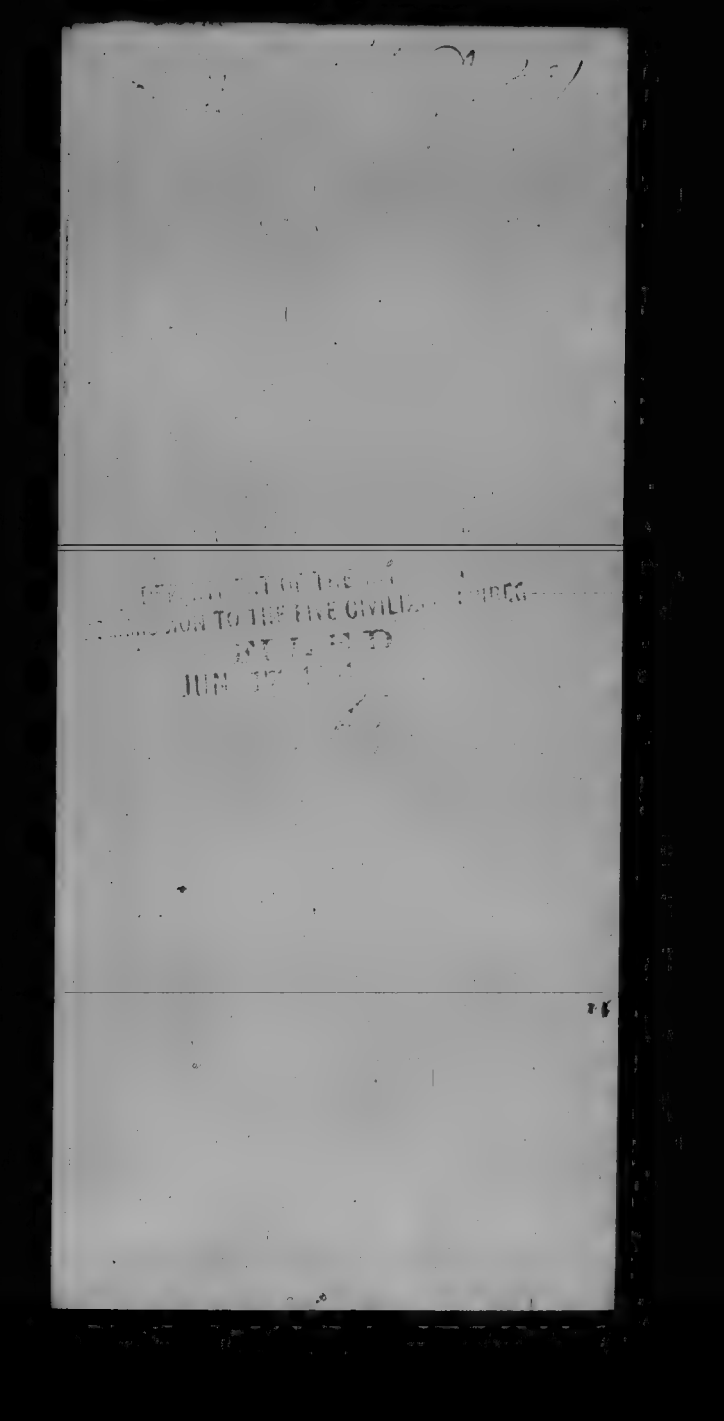
F 1734 Joseph Curry

See Letter to Dept of this
date relative to Striking
Names from roll
Bk 47 p 1

Name:

Approved:

Report:



COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901, in the matter of the application of Joseph Currey for the enrollment of himself as a Freedman of the Cherokee Nation.

Willette V. Smith
Attorney for Applicant.

Cherokee F. #D531.

Rey # 60

11825

Found 343

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

KOGEE
D.T.

Joseph Curry,

~~Texas,~~ Indian Territory.

United

OCT 10 1903



Cher Fr R 1269
Trans. from Cher Fr 1235

Cher Fr R 1269

Cherokee Freedman 1235.

For original application and complete record see Cherokee Freedman case No. 1233.

FILED



COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Chelsea, I.T.

District Coowescoowee

1. Name Doubtful Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Estella Martin Age 28

Owner's name Citizenship

Year N.B. Page 150 No. 3123 District Cood

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Ira Martin Year N.B. Page 150 No. 3124 Dist. Cood

4. Cecil " Year N.B. Page 150 No. 3125 Dist. "

5. Roy " Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No1 Stenographer W. O. Jones

No 1 on K.R. Roll as Estell Martin

~~No 2 on Nathan Roll C. No~~

No 3 on K.R. Roll as Cecile Martin

Med. Birth certificate required

Represented by Mellette & Smith Vinita, I.T.

Ck to R508 this is 508.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

P. O. Choteau
Co.

FILED

MAR 2 1892

William Nelson

CLERK.

No. 229

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
First Judicial Division,

To any Person authorized by Law to Solemnize Marriage—Greeting:

You are Hereby Commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. John Martin of Okmulgee in the First Div. Indian Territory aged 24 years, and Miss. Stella Carey of in the First Div. Indian Territory aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official Seal, this 15th day of February A. D. 1892

Wm. Nelson
Clerk of the U. S. Court.

By C. W. Mason Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
First Judicial Division, } ss.

I, Andrew William Lewis a Minister of the Gospel

Do Hereby Certify, that on the Sixteenth (16) day of Feb A. D. 1892, I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this Sixteenth day of Feb A. D. 1892

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory, First Judicial Division, Book A, Page 75

Andrew William Lewis
a Minister of the Gospel

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court, in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (fine).

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY } ss
First Judicial Division.

I, WILLIAM NELSON, Clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 2nd day of March A. D. 1897, at 8 o'clock A. M., and duly recorded in Book B Warranty Record, Page 356

Witness my hand and seal of said Court at Muscogee in said Territory this 16th day of June A. D. 1897.

William Nelson Clerk.

By Deputy.

Filed with Cherokee Freedmen, p. 581. Ostella Martin

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Mary Harris for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:
Mallette & Smith, for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

MARY HARRIS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Harris.
Q How old are you? A About 33.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Ocoweegoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of your children? A Irene Harris.
Q How old is she? A 12 years old.
Q The next child? A Olive Harris.
Q How old is she? A 10.
Q The next one? A Rheta.
Q How old is Rheta? A 8.
Q Are these children all living at this time? A Yes, sir, they were last Thursday when I left home.
Q If they had died since you would probably have heard of it, wouldn't you? A Yes, sir.
Mr. Smith: Where do you live? A Vinita.
Q Who was your mother? A Charlotte Vann.
Q Who was your father? A John Adair; that was their slave names though.
Q Where were you born? What is the information you have on that? A In the Cherokee Nation.
Q How long have you lived at Vinita? A 12 years.
Q Where did you live before you lived at Vinita? A Lived a while on Grand River and a while up here on Panther Creek.
Q Was your mother a slave? A Yes, sir.
Q To whom did she belong? A Jim Vann and Ellen Vann.
Q Was your father a slave? A Yes, sir.
Q Your mother's name was what? A Charlotte Vann.
Q What was your father's name? A John Adair was his slave name.
Q You were too young to remember anything, you were not born when the war come up? A I don't think I was, I don't remember anything about it.
Q You say you are about 33? A Yes, sir.
Q Have you any brothers and sisters? A I have two brothers and two sisters.
Q What are their names? A Joe Curry his name is.
Q What is the other brother named? A Harrison Curry; we are all Currys.
Q What is your sister's name? A Cornelia Curry, or Cornelia Martin now, since she is married, and Stella Martin; two sisters married two brothers.
Q That all in your family? A I have two older sisters, they are dead.
Q Just those that are living? A That is all that is living here.
Q Now your father John Adair was sometimes called Curry? A Yes, sir, we knew him as Curry, we children we didn't know anything about

his slave name; it seems his father was a Curry.
Q And what Charlotte Vann your mother's slave name? A Charlotte Vann, but we know her as Charlotte Curry
Q Now who is the older member of your family, yourself or your brothers or sisters? A Myself.
Q Well, where have you always lived? A Several different places; when I first remember I lived on Grand river.
Q Have you always lived in the Cherokee Nation? A Yes, sir, most of my time.
Q If you have been out at any time state when and what you were doing? A It has been about 18 years since I was out the first time, I went to my grandmother's in Kansas, in Anderson County, near Garnett
Q How old then; about how old? A About 14 or 15.
Q When did you marry? A I married in 1888.
Q Where are these children whose names you have given in here? A My own children, they are in Vinita with their papa.
Q Now have you any other brothers and sisters other than the ones you named, at any time? A I had two but one is dead, I have one living, that we don't know of being dead.
Q What was her name? A Emma Williams, daughter of the same mother.
Q And what was the other one named? A Her name was Sophia Bird or Edie Bird they called her.
Q Do you know whether either one of them was on the 1880 roll or not? A I think both of them was.
Q Have you ever been enrolled? A Yes, sir.
Q Upon what roll? A I drew money on the Kern-Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Mary Harris on page 150, No 3719, Cooweescoowee district;
Irene Harris on page 150, No. 3720, Cooweescoowee district;
Olive Harris on page 150, No. 3721, Cooweescoowee district;
Rheta Harris on page 150, No. 3722, Cooweescoowee district.

Q Were you on the Wallace roll? A I don't know, I didn't draw any money, I don't know; I was sick, I couldn't get to the payment.

The Wallace roll examined and the applicants not identified thereon.

Q Where does your brother Joe Curry live? A Lives up with us, he hasn't got any home of his own, permanent home, he lives with me and my sister.
Q Where does your brother Harrison live? A He lives with my uncle Henry Montgomery.
Q Where is that? A Up here some place on Panther Creek, in this settlement.
Q Near what postoffice? A It is Chelsea postoffice, about a mile and a half or two miles from here.
Q Where does your sister Stella Martin live? A Lives right over here on Panther Creek, too.
Q Postoffice? A Chelsea.
Mr. Hastings: What was your mother's name? A Charlotte Vann.
Q When did she die? A She died about 18 years ago.
Q Where did she die? A On Grand River.
Q And your father's name? A John Curry, as we knew him.
Q The people knew him in the country as John Curry? A Yes, sir, I suppose so; I did.
Q When you were first old enough to remember, you were living where? A On Grand River.
Q How many brothers and sisters did you have? A I had, there

was six of us; I have never had but two brothers.
Q And three sisters besides yourself? A Yes, sir.
Q Who were you living near over on Grand River? A Art Williams and Millie Frye.
Q You were living as their neighbors? A Yes, sir.
Q About how old were you when you moved away from there? A Abou 17 years old.
Q You lived there from your earliest recollection till you were about 17? A Yes, I think so.
Q How far from Millie Frye? A I can't tell you.
Q Was it a mile or two miles or five? A I can't tell you.
Q Or twenty? A No, sir, it wasn't twenty, because it is 20 miles from here to Vinita, and it wasn't that far.
Q Who was your nearest neighbor? A I think it was Art Williams.
Q Which side of Grand River did you live on, east or west? A On the other side of Grand River, on Lynch's Prairie.
Q Saline district? A I don't know nothing about the districts.
Q You say yourwere 17 years old and you don't know what district you were in? A No, sir, I don't know
Q And you don't know any more neighbors than those you have mentioned? A I think there was one Buffington.
Q What was his name? A I don't remember, Buffington.
Q How far did you live from Watt West down there? A I don't know.
Q You never heard of him? A I might at the time, but I don't remember him now.
Q Do you mean to say you lived in the neighborhood till you were 17? A Yes, sir, if I was out right when I was young, I don't remember it, but it was about that old when I remember it.
Q And you don't remember your neighbors? A There was Millie Frye and this Buffington and Art Williams.
Q You don't remember any Cherokees around there at all? A No, I don't know many in Vinita and I have been there 12 years.
Q You have been in Vinita 12 years? A Yes sir.
Q Where did you come from when you went to Vinita? A Came from out here on Panther Creek.
Q How longhave you been living on Panther Creek? A A year or so.
Q Where did you come from when you went to Panther Creek? A I came from Wichita, Kansas.
Q Where were you married? A Kingman, Kansas.
Q What is your husband's name? A Nelson Harris.
Q How many children have you? A I have three.
Q What is the oldest one's name? A Irene.
Q How old is Irene? A She is 12.
Q Where was Irene born? A Out here on Panther Creek at Fannie Anderson's house.
Q You were visiting there at the time? A I went there for that purpose.
Q Where was your husband? A He was in Kingman, Kansas.
Q That is the reason why you didn't get on the Wallace roll.
A I don't think it was, I went to see Mr. Wallace.
Q You were living in Kansas? A I wasn't no such thing, I told you my husband was living in Kansas.
Q Where was your next child born? A Born in Vinita.
Q How old is it? A 10.
Q Where was your husband living when that child was born?
A He was living right there with me.
Q In Vinita? A Yes, in Vinita.
Q Where was your next child born? A Born there too.
Q Are you certain about that? A Yes, I am.
Q Have you been keeping house there since? A We call it that.
Q Your husband been living with you? A Pretty near it; nobody else.

Q Now he hasn't been living in Kansas? A No, sir, not since I married I haven't been living in Kansas.
Q I thought you said your husband was living up there? A He was up there working and I was down at my aunt's and I haven't been back, do you understand that.
Q Where are all these sisters and brothers of yours? A When my oldest child was born, my youngest brother Joe was there in the house, and when the next was born, they were both in the house, when the middle was born, and when the youngest was born, they were on Big Creek.
Q Who brought them up, did they live with you up to the time you were married? A No, sir, they were not with me, the youngest one was with me at that time, but we have been all together at short times.
Q Who did they make their home with? A With my aunt.
Q What was your aunt's name? A Frances Anderson.
Q Out here neath of Chelsea? A Yes, sir, out here where you see that white house.
Q What did your father and mother do down on Lynch's Prairie before that? A I don't know that they did much of anything, my father didn't.
Q Your mother down there? A She lived with her grandmother.
Q What was her grandmother's name? A Granny Charlotte is all I know.
Q You never heard any other name than that? A No, if I did I don't remember it.
Q You were 17 years old? A About that.
Q And yet you don't know your grandmother's name? A Not anything but Granny Charlotte and if I did know anything else and heard it, I have forgotten it.
Commissioner: You know whether your mother is on the roll of 1880 or not? A No, sir, I don't.
Q What was her name? A Charlotte Curry her name was when I was a child.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's mother not identified thereon.

Q These children all alive and living with you? A They are not living with me.
Q Where are they living? A Joe is with me.
Q Your own children? A My children are living with me.
Q All born in the Cherokee Nation? A Yes, sir.

MILLIE FRYE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Millie Frye.
Q Where do you live? A Live on Grand River.
Q What is your postoffice? A Vinita.
Q How old are you? A 64.
Q Do you know this applicant, Mary Harris? A Yes, sir.
Q How long have you known her? A Ever since she was a small child.
Q Who was her mother? A Charlotte Vann.
Q Was Charlotte Vann a slave before the war? A Yes, sir.
Q To whom did she belong? A Ellen Vann.
Q Was Ellen Vann a Cherokee Indian? A Yes, sir.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A Lived down on Grand River below the Locust Grove.
Q Do you know whether Charlotte was taken out or went out of the Cherokee Nation during the war, or not? A Yes, sir.
Q Did she? A Yes, sir.
Q When did you first see Charlotte back in the Cherokee Nation after the war? A It was in the year we all had the small pox.
Q When was that? A It has been about 18 years ago.

Mr. Hastings: 1883? A Yes, sir.
Mr. Smith: How is that? A We had the small pox in 1883.
Q You don't know where she was before that time, of your own knowledge? A No, sir.
Q Well, did you know this girl's father? A Yes, sir.
Q What was his name? A John Curry, they called him, after his father.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Nancy Adair.
Q Is she an indian? A Yes, sir.
Q Cherokee citizen? A Yes, sir.
Q Were they living before the war? A They lived in Flint, Nancy Adair did.
Q Did you ever see John back after the war? A I seen him when he had his family there on the river, saw him the year we had the small pox.
Q You didn't see him until you saw the rest of them? A No, sir.
Mr. Hastings: You lived right near that? A Yes, sir.
Q That is the first time you ever saw them? A I didn't live near them, they just came out on the river to see their grandfather, Charlotte came out to see old man Adams and they quarantined them in there, and her father and mother died with the smallpox, and her grandfather and grandmother, and just left the children there alone; that is all I know about it.

JOHN REESE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A John Reese.
Q Where do you live? A I live in Cooweescoowee district.
Q What is your postoffice? A Coffeyville.
Q How old are you? A About 59 or 60, somewhere about that.
Q Do you know the applicant, Mary Harris? A Mary Harris?
Q Do you know the woman? A I knowed her father all right.
Q Who was her father? A John Curry was her father.
Q Did you know her mother? A I never met her mother.
Q You didn't know her mother then? A No, I never met up with her.
Q Was John Curry a slave? A Yes, sir, he was a Cherokee Freedman.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A Why I saw him on Briar Creek.
Q When? A In the summer of '66.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A Why I saw him on Briar Creek.
Q When? A In the summer of '66.
Q Do you know whether he had his family in the Cherokee Nation at that time, or not? A Why he claimed that he was looking for a house to put his family in.
Q What was in the summer of '66 or fall of '66? A It was in the summer of '66.
Q Where was that? A I was on the old John Alberty place onn Pryor Creek.
Q Where was the old John Alberty place? A On Pryor Creek.
Q Near what town or place now? A Why it was the nearest little town to it to my knowing, some calls it Chouteau, wasn't no town at that time.
Q Did you see him any more after that summer when you saw him looking for a location? A I don't know that I met up with John any more, if I did I don't remember after I met up with him on Pryor Creek, he stayed all night with me on the old Alberty place, it

was called the old John Alberty place.

Q Stayed all night with you? A Stayed all night with me and old Aunt Sarah Ross and old Uncle Charles Ross and William Sunday, a Cherokee Indian.

Mr. Hastings: All them people are dead that he stayed all night with, but you? A Yes, sir, they are dead.

Q You never did see his wife? A No, I don't remember of seeing his wife.

Q You don't know this girl? A Never saw the girl.

Q That is the first and last time you ever saw him? A No, it was not the first time I ever seed him.

Q It was the last time? A The last time I saw him was on Pryor Creek, I remember being with him.

Q When he stayed all night with you? A Yes, sir.

Q You don't know what year that was? A It was in the year of '66.

Q Know whether it was the spring or summer or fall? A It was in the summer.

Q You are positive about that? A Yes, sir, I am.

Q Positive it wasn't in the spring? A Yes, sir, it wasn't in the spring for it was along in the summer.

Q You are positive it was in the year '66? A It was in the year '66 because I had moved from Fort Gibson up to Pryor Creek and met Bill Sunday and I and Bill Sunday lived in the Alberty house.

Q You remember when a man stayed all night with you 35 years ago? A I remember him if I was acquainted with him time of the war and I met him again I know it was the same man.

Q You remember that 35 years? A It was reasonable if I had common sense I do.

FRED MARTIN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Fred Martin.

Q What is your postoffice? A Spavinaw.

Q How old are you? A 45.

Q Do you know Mary Harris, this applicant? A Yes, sir.

Q Do you know her mother? A No, sir, I don't know her mother personally.

Q Did you know her father? A I saw her father.

Q Where did you see him? A I saw her father in '66, in the winter of '66.

Q Was it before Christmas or after Christmas? A It was after Christmas.

Q How long? A I don't remember just how long it was.

Q Where did you see him? A He stayed two or three days at my house, we were living on the [illegible] place.

Q How far is that from [illegible]? A I don't know.

Q There is it near [illegible], or where? A It is near Adair, I believe they call it [illegible] miles north from Adair.

Q Well, do you know what became of him, where he went to from that place? A He said he was going to [illegible].

Q Did you see him any more after that? A No, sir, I didn't see him any more after that.

Q Did he ever go by any other name than John Sunday? A I don't know.

Q Do you know [illegible] by? A No, sir.

Q Do you know [illegible] or not? Do you know [illegible]?

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible] sir.

Q [illegible] to your house?

A Yes, sir.

Mr. Hastings: You are 45 years of age? A Yes, sir.
Q You were born in '58; you were 8 years old in '66? A I guess I was. I am 45.
Q You remember now and are willing to swear about a man coming to stay all night at your house 35 years ago, when you were eight years old? A Yes, sir, I am willing to swear to what I know.
Q When did you leave Fort Gibson? A Left Fort Gibson in the winter of '66.
Q About what time? A I don't know just what time.
Q Before or after Christmas? A I think it was after Christmas.
Q And where did you move from there? A We moved up here on the River at the John McNair place above Joe Martin's.
Q Did you build you a house up there? A No, sir.
Q Moved into one already built? A Yes, sir.
Q One built before or after the war? A One I suppose built before the war.
Q You never saw John Curry after that? A No, sir.
Q You never did see his wife? A If I did I didn't know her.
Q When was the first time you saw this girl? A I saw these children off and on for I don't know just how long.
Q After their mother's death? A I suppose it was after her death, yes, sir.

MARY HARRIS, recalled, testified:
Mr. Hastings: How do you account for the statement of Mrs. Frye, your witness, when you in your statement testified that you lived right there by her and a neighbor to her until you were 17 years of age?

Mr. Smith: That is a very unfair question, calling on the witness to account for some other witness' statement; I object to it.

Commissioner: Well, if she wants to correct her statement about it, she can do it. Go on and answer the question.
Q I didn't understand him to ask me if I lived there all the time until I was 17 years of age; he asked me if I could remember where I was living and I told you.
Q And you said you lived there till you were 17 years of age right by her? A How old were I when I began to remember.
Q I don't know. A You didn't ask me.
Q When did you begin to remember? A I don't know.
Q Have you begun to remember yet? A No, sir.
Mr. Smith: What is your statement with regard to when you was living by Mrs. Frye, how long you lived there? A I thought he asked me when I was living there if I could remember who was my neighbors.
Q When was it you lived by Mrs. Frye? A I lived there on Lynch's Prairie when I remember I was about 14 or 15 years old, and I was there and they lived in that neighborhood.
Q At what time do you mean that you lived by Mrs. Frye? A Why at the time just before we left there.
Q When was that? A That was when I was about 15 years old.
Q How long do you mean to state you lived by Mrs. Frye? A I didn't state I lived there all the time.
Mr. Hastings: I ask you now how long did you? A I don't know.
Q A year? A I don't know whether it was a year or not.
Q Where were you born? A Down on Lynch's Prairie, if I am not mistaken.
Q Right in that same neighborhood? A That is what I have been told
Q And you lived there up to that time? A I said I was in and out, when I was too young to remember, I don't know where I was.
Mr. Smith: How old were you when your mother died? A Hmmm About 15 I think.

Q Who died first, your father or mother? A My mother.
Mr. Hastings: Your mother died of smallpox? A Yes, sir.

Commissioner: Mary Harris applies for the enrollment of herself and three children, Irene, Olive and Rheta. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but her and her children are duly identified upon the Kern-Clifton roll, according to page and number of the roll as indicated in the testimony. She makes satisfactory proof as to residence, and now Mary Harris and her three children will be duly listed for enrollment as Cherokee Freedmen on a doubtful card, for the further consideration of the Commission. She will be duly notified of the decision of the Commission in her case when rendered, by mail.

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Supplemental testimony.

FRED MARTIN, recalled, testified:
Mr. Hastings: How long did you live on the McNair place when you moved up from Fort Gibson? A Lived on there one year.
Q Where did you move from there? A Moved from there up to Greenbriar Joe's place.
Q How long did you live there? A We lived there one year.
Q Then where did you move? A Moved from there then to the Pensacola place.
Q How far is that from Lynch's Prairie? A It is not over two miles and a half.
Q You lived in that neighborhood then how long? A We lived there a year.
Q How long did you live in that neighborhood around there? A Then we moved from there out on Cabin Creek to the John Martin place, and we lived there a year, and we moved from the John Martin place over to Spavinaw Mill.
Q That is on Lynch's Prairie? A No, sir, it is in the hills six miles from Lynch's Prairie; and we lived there a year.
Q Well, where did you move from there? A Moved from there to Vinita.
Q You have lived thereever since? A In Vinita, no, sir.
Q Have you been familiar with that Lynch's Prairie settlement since that time? A Why tolerably well, yes sir.
Q You have been down in there frequently? A Been down there very often, after I was living out of there I would go down there.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the [illegible] of August, 1901.

Commissioner.

File with Cherokee Freedmen D-532, Stella Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Mary Harris et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the [illegible] Nation.

Appearances:
J. S. Davenport, of counsel for Cherokee Nation;
Mellette & Smith, attorneys for applicants.

ROBERT BOWEN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert Bowen.

Q How old are you? A 58.

Q What is your postoffice? A Ottumwa, Coffey County, Kansas.

Mr. Davenport: How long have you lived at Ottumwa, Kansas?

A About 16 years.

Q Since you have been living at Ottumwa, did you get acquainted with a family of colored people by the name of Harris? A No, I never was acquainted with them by the name of Harris.

Q Did you ever know any colored people by the name of Curry? A Yes sir I did.

Q What were their first names, Mr. Bowen? A His name was John Curry and her name was Charlotte Curry; that is what we called them there.

Q Do you know whether or not they had any children? A They had five children.

Q Do you know what their names were? A One was Mary, one was Joe, and one was Neely, and Teela, and the next they called him Elder, I think, I believe his name was Harrison Elder.

Q When did you first get acquainted with this Curry family? A '68.

Q Where were they living, if you know, when you got acquainted with them? A They lived right in the southwest corner of the town of Ottumwa, right adjoining my place,

Q How long did they live near your place or adjoining your place? A They lived there for about 2 years.

Q On whose place did they live, if you know? A When they lived over there they lived on Harrison [illegible] Kelly's place, but that was was on thw township of Ottumwa, that house was.

Q Then where did they go after they moved off the Kelly place, if you know? A Why they moved to a place of their own on the Prairie in '73, after they left working for Kelly they moved to a homestead they taken on the Prairie.

Q How long did they continue to live in or near Ottumwa, Kansas, after you got acquainted with them? A They lived there from '68 to '84, Mrs. Curry died in the fall of '84 there and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November, '84.

Q What makes you remember it was in November, '84? A I was at the burying and then I saw since then on the grave stone it was in '84, I has been to her grave, I was out there before I started.

Q Then do you know whether or not they moved away from there after that? A Why the children are all gone and he moved from there.

Q Sometime after the death of Mrs. Curry? A After the death of his mother.

Q Well did the family continue to keep house there in this place from the time you got acquainted with them in '68 or '6 9, to the death of the mother? A Yes, sir, they lived there all the time, I saw them every few days, I saw them once a week from the time they came there until they went away.

Q And they moved away shortly then since then? A Yes, sir.

Q The exact time you don't know? A No, I don't know, I [illegible]

Mr. Smith: Mr. Bowen, when did you first become acquainted with the people about whom you spoke? A It was in '68.

Q You know nothing about them before that? A No, sir.

Q Now the father's name was John? A John Curry, that is the name he went by.

Q What were the names of the children? A The oldest girl was named Mary and the next boy was named Joe, that is what they called him there, and the next Teela and the next Tena and the next Elder, that is what they claimed it was around there.

Q Now what makes you think that one was named Harrison Elder? A He was named for Harrison Kelly.

Q Where did the Elder come in? A I don't know where the Elder came in, but he was named for Harrison Curry, the man they worked for, Harrison, and they added the Elder to it somehow I don't know how, but they always called him Elder.

Q You don't know whether his name was Harrison or not? A They said his name was Harrison Elder, I have heard them call him by that name, but the usual name he went by was Elder.

Q Well now that is Elder and Joe and Mary and Tena, what was the other one? A Neela.

Q Was it ever called by Lela? A Neela is what they always called her there.

Q Where were you in '68? A I lived there on my place.

Q All the time? A Yes, sir.

Q Wasn't away? A No, sir.

Q How long did you live on that place? A Oh I lived there about 18 years.

Q Continuously? A All the time, yes, sir.

Q Never went away? A No, sir, I wasn't away from the place till in '72 I moved to another place, but Curry passed my door right along just the same, I lived on that place about 18 years.

Q Where did he pass the door? A Why he passed the road and the house was right on the side of the road, passing going to his house on the prairie.

Q Did you live by them? A After I moved.

Q How about before you moved? A He worked for me a heap and he lived right on the corner where I lived and he farmed around for me and helped me break prairie and a great many things.

Q That is this man John you are talking about? A Yes, sir.

Q Ever seen any of these children since they left that country? A I was Elder a year or two ago up about Burlington, he made up up on the wagon with me, went out from Burlington to Ottumwa.

Q These children lost their mother, you say, the ones you are talking about? A Yes, sir.

Q About how old were they? A Well I think Mary was born the first season they came there in '68 and the rest were born along during the time they lived there.

Q Well how old was the oldest one of them when the mother died? A I never counted up how old it was but she was born in '68 and their mother died in '84, she was born along in the fall of the year in '68.

Q Well it must have been about 14 years old then? A Something near that I suppose.

Q And then that family scattered and you don't know where they went to? A They scattered after '84 and I don't know where they went to, I heard some of them down here and heard some was in Colorado, I heard they went different places, I don't know where they are.

Q The oldest one of the children was about 14 years old when they scattered then? A Yes, sir, I think that is about the age.

Q During the time that you first became acquainted with these people in '68 up to '84, how far are the nearest you lived from them?

A About [illegible].

Q You [illegible] together, these people were [illegible]

about that.

Mr. Davenport: These children were all born there near Ottumwa?

A All born near Ottumwa.

Q State of Kansas? A Yes, sir.

Commissioner: Copies of the foregoing testimony will be filed in the present case, Mary Harris et al., Cherokee Freedman D-528, and also in Cherokee Freedman case D-531, D-532, D-533, and D-534.

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Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th of November, 1901.

M O Green
Notary Public.

F.D. 528 To be filed with F.D. 532

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 16, 1902.

In the matter of the application of Mary Harris and others for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-528.

APPEARANCES:
Mellette & Smith for applicants.
T.M. Hastings for Cherokee Nation.

HARRY E. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry E. Kelley.
Q What is your postoffice? A Fort Smith.
Q Howlong have you lived at Fort Smith? A 15 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q Whatwas your postoffice? A Burlington the last few years I lived there, but I was born at Ottumwa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.
Q Did you know a colored man up there by the name of John Curry?
A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Whatwas her name? A Charlotte.
Q How early do you remember of knowing them? A As early as 1868, I think as early as 1866.
Q Did you know of them in 1863? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bowlin, sometimes called Martin Adair, whowas the husband of John Curry's mother.
Q Whatwas her name? A Polly, they also lived on our farm.
Q Well John lived there, at the same time? A John lived there from 186[illegible] until 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homesteading, not being the best evidence.
COMMISSION: Objection will be noted: proceed.
WITNESS: And moved onto that land and lived there until after Charlotte died.
Q About when did she died, that is his wife? A Yes, his wife, she died about 1864.
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead, I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1868? A Yes, sir.
Q When was that? A Killed a man in our county there about 1866.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A [illegible] and Lee and Harrison, and another one, I can't recall the name of the other one.
Q They were all born there, were they? A Yes, they were born there, I think that is the first I can recollect.
Q You [illegible] know the old man? A Don't know where the old

Q Well what was John's mother's name? A Polly.
Q Well what was her mother name, what was she known by? A Polly Bowlin, they were commonly called there, sometimes they called them Adair.
Q Well you say she married a man by the name of Martin Bowlin? A No, they were married when I came there.
Q Well, lived with a man up there by the name of Martin? A Yes, sir that was her husband then.
Q He went by the name of Martin Bowlin? A Yes, sir, Martin Bowlin.
Q And you knew them in '68? A Yes, sir, first recollection I have of Martin and Polly and their family was moving them out of the bottm time of the flood in '68; they were clearing land for my father and the overflow came, and he brought them up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel Married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not.
Q Do you know who Julia married? A No, I perhaps have heard but I can't recall now.
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife; but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died.
Q About when? A Polly died between '69 and '71, I remember being there when I came home from Ohio in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation Mr. Kelley. A I am in the real estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.
Q Do you know whether this Polly Bowlin was also known as Polly Adair A Yes, sir.
Q You know that shewas the mother of John Curry? A Well, she said she was, and it was generally said she was.

Q Wellrecognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances
Q And Rachel? A And Rachel and Julia and Nancy.

MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never knew of her as Frances Anderson, no.
Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right in our ~~xxxx~~ yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house.
Q And you can't say positively that you knew the Currys before '68? A I have no distinct recollection of the Currys before that I can place, before '68.
Q Yes. A Although I have understood that they came there all together, the whole bunch.
Q Well I move to strike that because that's what the witness understood and not what he knew.

COMMISSION: Motion will be noted, and the testimony will be considered for all it is worth.

MR. SMITH: But so far as your personal knowledge goes you can't fix them there before '68? A I can't fix the Curry's there before '68 on our place.

Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.

Q You spoke of moving somebody up out of the bottom, who was that?

Q Old Martin and his family.

Q Who was Martin with reference to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was John's stepfather? A Yes, sir.

Q Well now you spoke of somebody killing a man, now who was that?

A John Curry.

Q Well was that your personal knowledge or a matter of hearsay?

A Well I didn't see the killing done, I knew of his being tried there but it was the first thing of the kind I ever heard, and made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '68. I can't give you the date, no.

Q Do you know what year it was that he killed the man? A To the best of my recollection was in the ~~xxxx~~ spring of '68.

Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried?

A Well I was told around town there.

Q You only heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Currys? A I knew, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.

Q 84? A '84.

Q What time did you make your visit to Ohio before you went to school

A In '68.

Q How old were you then? A I was 6 years old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh, a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there?

A A member of Congress from that district, if that's what you mean, yes, sir.

Q In what years? A He was elected in '88.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-541, D-533, D-534, D 532, and in D 528, the case at bar.

MR. HASTINGS: The Cherokee Nation asks that this testimony be filed in the case of Frances Anderson D-527, and in these references thereto as follows: D-687, D-689 and D 906.

MR. SMITH: The counsel for Frances Anderson and others connected therewith and of the same numbers, object to the filing in these cases of the testimony of the witness Harry K. Kelley, for the reason that it does not appear from said testimony that the Freedmen [illegible]

MR. HASTINGS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness H.E. Kelley's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Curry and the testimony further shows that her mother's name was Polly Adair, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony; and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her step-father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that he visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY E. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, didyou know Rachel Steele after she was married? A Yes, sir.

Q Did you know her husband's name? A Harry Steele.

Q Did they live there near you? A They lived on our place, there right by our house, worked for us.

Q Have any children? A Yes, sir.

Q How long did you continue to know them there? A After thed eath of Rachel's mother she -- I don't remember her again until she came back there married to Harry Steele. I think she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.

Q How many children did you say they had? A There was several, I don't recall how many several children I think of them born there on the place.

Arthur G. Croninger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

P.G. Reuter,
Notary Public.

(SEAL)

C. L. Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete copy thereof.

C L Mielenz

Subscribed and sworn to before me this 16th day of June, 1902.

Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ostella Martin, D 852;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Harris, et al., as Cherokee freedmen, consolidating the applications of:

Mary Harris et al	Cherokee	freedmen	D 528
Joseph Curry	"	"	D 531
Ostella Martin et al.	"	"	D 532
Harrison Curry	"	"	D 533

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission, by Mary Harris for herself and her minor children, Irene, Olive and Rheta Harris; by Joseph Curry for himself; by Ostella Martin for herself and her minor children, Ira, Cecil, Roy and Myrrh E. Martin; and by Harrison Curry for himself.

The evidence shows that all the applicants herein are the descendants of John Curry and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the rebellion; and that the said John and Charlotte Curry were taken out of the Cherokee Nation during the rebellion, but John Curry returned to, and established his residence in said Nation prior to January 19, 1867. All the said descendants of John Curry were born subsequent to the date of his return to the Cherokee Nation, as above stated.

The evidence further shows that the said Joseph Curry and Mary Harris have resided in the Cherokee Nation continuously for more than twelve years immediately preceding the date of their applications herein; and that the said minor children of Mary Harris have resided therein all their lives; that Ostella Martin has resided in said Nation continuously from 1892, up to and including the date of her application herein, and her said minor children have resided therein all their lives; and that Harrison Curry has resided in said Nation continuously for about fourteen years immediately preceding the date of his application herein.

It is, therefore, the opinion of this Commission that Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby, Chairman.

(signed) T. B. Needles, Commissioner.

(signed) C. R. Breckinridge, Commissioner.

(signed) W. M. Stanley, Commissioner.

Dated at Muskogee, Indian Territory,

this Jul 10 1902.

DR. J. WADE BONE
ROOMS 3-4 LANE BUILDING

Chelsea, Indian Territory, Jan 16th 1907

This is to Certify that Allen Martin is sick and not able to appear before the Dawes-Commission on Jan 17th and will probably not be able to attend for at least 10 Days.

Respectfully
J. Wade Bone, M.D

G.F.B. COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY HARRIS et al. as Cherokee Freedmen, consolidating the applications for the enrollment of;

Mary Harris et al.	Cherokee Freedmen 1233	(D 530)
Joseph Curry,	Cherokee Freedman 1234	(D 531)
Ostella Martin et al.	Cherokee Freedmen 1235	(D 532)
Harrison Curry	Cherokee Freedmen 1236	(D 533)

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That application for enrollment as Cherokee freedmen were made to the Commissioner to the Five Civilized Tribes by Mary Harris for herself and her minor children, Irene, Olive and Rheta Harris; by Joseph Curry for himself; by Ostella Martin for herself and minor children, Ira, Cecil, Roy and Myrrh E. Martin; and by Harrison Curry for himself. The records further show that on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision herein granting all of said applicants the right to enrollment as Cherokee freedmen, which decision was, on November 12, 1903 (I.T.D. 7616-1903), duly approved by the Department; and that the names of said applicants are included in the partial roll of Cherokee freedmen approved by the Secretary of the Interior November 16, 1904, opposite Nos. 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448 and 3449, respectively. The records further show that on December 17, 1906 (I.T.D. 7616-06, 13666-06, 17158-06, 24880-06), a motion to reopen and reject having been filed by the Attorney for the Cherokee Nation, the Department rescinded its said decision of November 12, 1903, granting the application for the enrollment of said applicants, and returned said case to this office for further hearing and readjudication in view of Departmental decision of April 25, 1906, in the Cherokee freedmen case of Jack Starr et al. Further proceedings in in the matter of said application were had at Muskogee, Indian Territory, January 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as descendants of John and Charlotte Curry, both deceased; that the said John and Charlotte Curry were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the progress of said rebellion they left the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses

C.F.B.

Whitmire, trustee, etc. vs. the Cherokee Nation et al., and as provided by Section 3, of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the return of freedmen to the Cherokee Nation.

Attention is here invited to the decision of the Commissioner to the Five Civilized Tribes rendered September 30, 1905, in the matter of the application for the enrollment of Jack Starr et al. as Cherokee freedmen C.F.D. 443, which decision was, on April 25, 1906 (I.T.D. 13666-1905), duly approved by the Department. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Estella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such are accordingly denied.

SIGNED: Tams Bixby.
Commissioner.

Dated at Muskogee, Indian Territory,
this Febr 12 1907

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-528, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris, et al., granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin, and Harrison Curry, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. K-68.

COPY

Cherokee Freedmen D 528-531-2-3

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Harris et al., including the Commission's decision dated July 10, 1903, granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrth M. Martin and Harrison Curry, as Cherokee Freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C 20

Cherokee Freedmen
D 532

Muskogee, Indian Territory, August 11, 1903.

Ostella Martin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your four minor children, Ira, Cecil, Roy and Myrrh E. Martin, as Cherokee Freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Enclosure C 17
Register

Cherokee Freedmen
D 528-531-2-3

Muskogee, Indian Territory, August 11, 1903.

Edgar Smith,

Atty. for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings .

You are hereby advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest has been furnished the principal applicant by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully, T. B. Needles

Enclosure C 19
Register

Commissioner in Charge.

Refer in reply to the following:
Land. 52, 364-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

The Honorable OFFICE OF INDIAN AFFAIRS/

The Secretary of the Interior. WASHINGTON, Oct. 23, 1903.

Sir:

I have the honor to transmit, herewith, a communication from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record of proceedings in the consolidated case of Mary Harris, et al., applicants for enrollment as citizens of the Cherokee Nation.

Mary Harris applies for the enrollment of herself and her minor children, Irene, Olive and Rheta Harris as Cherokee freedmen. Joseph Curry applies for the enrollment of himself. Ostella Martin applies for the enrollment of herself and her minor children, Ira, Cecil, Ray and Myrrh E. Martin, and Harrison Curry applies for his enrollment.

July 10, 1903, the commission held that all of the applicants were entitled to enrollment as Cherokee freedmen. The Nation protests against the commission's decision. The record in this case shows that all of the applicants are descendants of John and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the Rebellion. John and Charlotte were taken out of the Cherokee Nation during the Rebellion, but John Curry returned to and established a residence in the Cherokee Nation before the expiration of six months from the date of the treaty of 1866. These applicants were born subsequent to the return of John Curry to the Cherokee Nation.

Joseph Curry and Mary Harris have resided in the Cherokee Nation for more than 12 years preceeding the date of their applications, and the minor children of Mary Harris have resided there all their lives. Ostella Martin has resided in the nation continuously from 1892, and her children have resided there since their respective births. Harrison Curry has resided in the nation since about 1887. Charlotte Curry, slave name Vann, belonged to Jim and Ellen Vann; John Curry, slave name Adair, belonged to Nancy Adair, a Cherokee Indian.

The Department on May 11, 1900, in construing that part of the Curtis Act which declares that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered February 3, 1896, said that freedmen "who are or were "freedmen who had been liberated by valuntary act of their former "owners, or by law, as well as all free colored persons who were in "the Cherokee country at the commencement of the Rebellion, and were "residents therein at the date of said treaty, or who returned there-"to within six months thereafter ,, and their descendants," were to "be deemed as entitled to enrollment as Cherokee freedmen.

In view of the above quotation from Department letter of May 11 1900, and considering the fact that the record shows that John Curry returned to and settled in the Cherokee Nation within the time specified by the treaty of 1866, the office believes that these applicants should be enrolled as Cherokee freedmen, and recommends the approval of the commission's decision.

Very respectfully,

W. A. Jones,

(G.A.W.)P. Commissioner.

FHE.
JWH.
LRS.

D C No 31715.
I.T.D. 7616-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 12,1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory .

Gentlemen:

August 11, 1903, you transmitted the record of proceedings had in the consolidated case of Mary Harris(Cherokee Freedmen D-528-531-2-3),et al.,applicants for enrollment as Cherokee Freedmen. The applicants included in this case are Mary Harris,Irene Harris,Olive Harris Rheta Harris,Joseph Curry, Ostella ~~Xxxx~~ Martin, Ira Martin,Cecil Martin, Roy Martin, Myrrh E.Martin, and Harrison Curry. On July 10, 1903, you rendered a decision granting their applications. The attorney for the Cherokee Nation protests against your decision.

From the record it appears that these applicants are the descendants of John and Charlotte Curry, who were the slaves of Cherokee citizens at the commencement of the war of the rebellion; that John and Charlotte Curry were absent from the Cherokee Nation during the war, but that he returned and established his residence therein before the 19th of January, 1867.

It further appears that the descendants of John Curry,who are applicants herein,were born subsequent to the date of his return to the Cherokee Nation. It further appears that Joseph Curry and Mary Harris have lived in the Cherokee Nation for the last twelve years prior to the date of their applications; that the children of Mary Harris have lived in said Nation all their lives;that Ostella Martin has resided therein since 1892;that her minor children have resided there all their lives,
~~in such manner as~~ and that Harrison Curry has resided in said

nation for the fourteen years immediately preceding his application.

Reporting in the matter October 23, 1903, the Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

It is considered that these applicants are entitled to enrollment under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat.,495). Your decision granting their applications is therefore affirmed.

Respectfully,

(Signed) Thos.Ryan,
Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen
D-532.

Muskogee, Indian Territory, November 19, 1903.

Ostella Martin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, the application for the enrollment of yourself and your four minor children, Ira, Cecil, Roy and Myrrh E. Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee F. D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

Edgar Smith,

Attorney for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby

Chairman.

COPY.

Cherokee F.D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Clive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 2, 1905.

Chief Clerk,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

Under date of September 30, 1905, this office recommended that the Department reconsider its decision of November 12, 1903, approving the decision of the Commission to the Five Civilized Tribes granting the applications for the enrollment of Mary Harris, et al. Cherokee Card F-1233, Joseph Curry, Cherokee F-1234, Ostella Martin, Cherokee F-1235, and Harrison Curry, Cherokee F-1236, whose names appear upon a Cherokee Freedmen schedule approved by the Department on November 16, 1904, opposite numbers 3439 to 3449, inclusive.

You are directed to withhold the preparation of any deeds to the parties whose names appear upon said schedule opposite the numbers referred to until further advised by this office.

Respectfully,

Commissioner.

R

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233---------- Mary Harris, et al.,
F-1234---------- Joseph Curry,
F-1235---------- Ostella Martin, et al.,
F-1236---------- Harrison Curry,
F-1281---------- Eliza Gaines,
F-1282---------- Jane Webb,
F-1283---------- Mary Mabry, et al.,
F-1284---------- Berry Thompson, et al.,
F-1285---------- Julia Nash,
F-1286---------- Georgia Jones, et al.,
F-1287---------- John H. Nash, et al.,
F-1288---------- Malinda Johnson, et al.,
F-1289---------- Martha Grooms, et al.,
F-1290---------- Berry Nash,
F-1291---------- Edward Nash,
F-1292---------- Carrie Harris, et al.,
F-1293---------- Ella Humes,
F-1295---------- Michael Martin,
F-1296---------- George Martin, et al.,
F-1297---------- Joshua Martin,
F-1298---------- Edward Brown, et al.,
F-1299---------- Israel Martin, et al.,
F-1300---------- Nellie Brown, et al.,
F-1301---------- Harriett Tucker, et al.,
F-1302---------- Lydia Carter,
F-1303---------- Allie McElroy, et al.,

F-1304---------- Robert Harper,
F-389---------- Mary Robbins, et al.,
F-1414---------- Houston West, et al.,
F-1415---------- George West, et al.,
F-1416---------- Callis West,
F-1417---------- Callis West,
F-1494---------- Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

LS

Muskogee, Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rhoda Harris,
3443	Joseph Curry,
3444	Estella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Ray Martin,
3448	Myrtle E. Martin,
3449	Harrison Curry,
3530	Eliza Haines,
3531	Jane Webb,
3532	Lary Embry,
3533	Frank Embry,
3534	Berry Thompson,
3535	Mary Thompson,
3536	Leo Thompson,
3537	Berryman Thompson,
3538	Julia Engle,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinley Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinley Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Brown, Laura
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Roxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
3607	Robert Harper,
3280	Mary Robbins,
3281	Dollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callis West,
3877	Callis West,
4079	Henry West,
4080	Callis West, Jr.,
4081	Carolina West,
4082	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Watie West,
4086	Walter West,
4087	Sadie West,

Roll No. Name.

1502 ——————— Martha West.
1503 ——————— Vinita West.

Respectfully,

Commissioner.

Muskogee, Indian Territory, November 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

September 30, 1905, the Commissioner in transmitting the Cherokee freedmen consolidated applications of Jack Starr et al., recommended that in the event of Departmental approval of his decision adverse to the applicants in the case, that the Cherokee freedmen case of Mary Harris et al., be reopened and the decision therein enrolling the applicants, be reversed. April 25, 1906 (I.T.D. 13666-1905), the Commissioner's decision adverse to the applicants embraced in the case of Jack Starr et al., was affirmed by the Department, and no action was taken on the Commissioner's recommendation in the Harris case. May 16, 1906, this office, referring to the Department's decision of April 25, 1906, in the Starr case, transmitted a copy of its letter of September 30, 1905, forwarding the Starr case, and called attention to the recommendation in the Harris case.

There is herewith enclosed a motion filed June

25, 1906, by the Attorney for the Cherokee Nation, "to re-open and reject" the applicants embraced in the consolidated case of Mary Harris et al.

For the reasons stated in this office's letter of September 30, 1905, it is respectfully recommended that the Nation's motion be granted.

The decision of the Commission to the Five Civilized Tribes dated July 10, 1905, granting the applications for the enrollment of Mary Harris et al., D 528; Joseph Curry D 531; Ostella Martin et al., D 532, and Harrison Curry D 533, was affirmed by the Department November 12, 1903 (I.T.D. 7616-1903), and the names of the applicants embraced in the case are included in a schedule of Cherokee freedmen approved by the Department November 16, 1904, opposite numbers 3439 to 3449, inclusive. Applications for the selection of allotments of land in the Cherokee Nation for all of the applicants in the Harris case were made to the Commission to the Five Civilized Tribes prior to September 30, 1905, and certificates describing the land selected were mailed to the applicants. No deeds describing the land selected for said applicants have been prepared.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. D-36

Commissioner

(C O P Y)

G.R.

D.C.55562-1906.

DEPARTMENT OF THE INTERIOR, JJB

WASHINGTON.

I.T.D. 7616-1903.
13666-1905.
17158-1906.
24880- "

December 17, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, a motion to reopen the consolidated Cherokee freedman enrollment case of Mary Harris et al., transmitted with your letter of November 22, 1906.

In view of departmental decision of April 25, 1906 (I.T.D. 13666-1905), wherein the Department, in the Cherokee freedman case of Jack Starr et al., held that neither John Curry nor Charlotte Curry returned to and established a residence in the Cherokee Nation prior to February 11, 1867, and in view of the fact that John Curry and Charlotte Curry are the alleged ancestors through whom applicants, Mary Harris et al., claim right to enrollment as Cherokee freedmen, said motion to reopen the consolidated Cherokee freedman case of Mary Harris et al., filed by the Cherokee Nation, is hereby granted, and departmental decision of November 12, 1903 (I.T.D.7616), granting the application for the enrollment of the applicants named therein is hereby

vacated and set aside, and the record in the case is returned to you for a rehearing and readjudication in view of departmental decision of April 25, 1906, in the Cherokee freedman case of Jack Starr et al.

You are requested to confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the war of the rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884.

You will advise applicants and their attorneys of the date for rehearing.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

6 inclosures.

Cherokee Fr.
1235.

Muskogee, Indian Territory, December 31, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of Departmental letter of December 17, 1906, granting your motion to reopen the Cherokee freedman consolidated case of Mary Harris, et al.

This office is directed to:

"confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are advised that the principal applicants have this day been directed to appear before the offices of the Commissioner at 9 o'clock A. M., on January 17, 1907, and introduce testimony showing the whereabouts of their parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1868. The Cherokee Nation will be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

JMK

Commissioner.

Cherokee Freedmen
1235.

Muskogee, Indian Territory, December 31, 1906.

Ostella Martin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of December 17, 1906, granting a motion made by the Attorney for the Cherokee Nation to reopen your Cherokee freedman enrollment case, and ordering a rehearing therein.

This office is directed to:

> "confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are directed to appear before the offices of the Commissioner at 9 o'clock A. M., on Thursday, January 17, 1907, and introduce testimony showing the whereabouts of your parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1868. Upon your failure to appear and introduce testimony on that date a decision will be rendered in your case on the evidence heretofore introduced. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires.

Respectfully,

JMM

Commissioner.

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Mary Harris, et al., 1233 et al.(D 528 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 12, 1907, denying the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin, and Harrison Curry as Cherokee freedmen.

On December 17, 1906 (I.T.D.7616-1903,13666-1905,17158, 24880-1906), the Department remanded this case to this office for rehearing and readjudication.

Respectfully,

Encl.H-60
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee F.
1836 (9 512)

Muskogee, Indian Territory, February 12, 1907.

Ostella Martin,

Chelsea, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the application for the enrollment of yourself and children as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-57
JMH

Commissioner.

Register.

Cherokee F.
1555 et al.
(D 838 et al).

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Mary Harris, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the cause, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.E-89
JMK

Commissioner.

LAND
15802-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 17, 1906 (I.T.D.24880) there is enclosed a report from Commissioner Bixby, dated February 12, 1907, transmitting the record relative to the application for enrollment of Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh F. Martin and Harrison Curry, as Cherokee freedmen. On February 12, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B.-WL

D.S. 23618-1907.
LHE.

J.P.
G.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.
7004, 7009, 7072, 7076-07.
7114, 7115, 7120, 7122-07.
7124, 7125, 7128, 7130-07.
7142, 7145, 7152, 7160-07.
7168, 7174, 7176, 7180-07.
7181, 7190, 7196, 7200-07.
7205, 7214, 7216, 7220-07.
7228, 7234, 7238, 7240-07.
7244, 7260-07.

March 4, 1907.

JERNEY.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
Sarah E. Shook,	February 22, 1907.
Vernon S. Middleton (Freedman),	February 14, 1907.
Edward Z. Roberts, (intermarried),	February 25, 1907.
Lillie Bartlett Hudson,	February 25, 1907.
Eugene and Lucinda Hunter (Freedmen),	February 23, 1907.
Sarah E. Humphrey, (intermarried),	February 23, 1907.
Andrew H. and Robert Leroy Stiles,	February 25, 1907.
Logan and Margaret Hunter (Freedmen),	February 25, 1907.
Lydia V. Banks (Freedman),	February 25, 1907.
Elias and Susan Hunter (Freedmen),	February 25, 1907.
Butler Franklin Stevenson,	February 25, 1907.
Minnie M. Blackwell (Freedman),	February 25, 1907.
Sam Bunn et al.,	February 25, 1907.
Emaline Vanover, (intermarried),	February 25, 1907.
John P. Scruggs, (intermarried),	February 22, 1907.
Sarah E. Parks, (intermarried),	February 25, 1907.

Title of Case.	Date of Your Letter of Transmittal.
Laurecia Tidwell, (intermarried),	February 23, 1907
John Wilkerson, (intermarried),	February 20, 1907
Bennie Mackey (Freedman),	February 11, 1907
Lucy Antoine, (intermarried),	February 25, 1907
Mary E. Wible, (intermarried),	February 4, 1907
Georgia Murry (Freedman),	February 18, 1907
Nicholas Landrum, Jr. (Freedman),	February 23, 1907
Oliver and Cordelia A. Fields (Freedmen),	February 23, 1907
Josephine Harris (Freedman),	February 25, 1907
John Hildebrand,	February 23, 1907
Oscar L. Appleman,	February 20, 1907
Mary A. J. Wixom,	February 23, 1907
Geraldine Montgomery, (Freedman),	February 23, 1907
Martha Tidwell,	February 23, 1907
Emily L. Brown, (intermarried),	February 2, 1907
Sallie Fourkiller,	February 25, 1907
Mary Harris et al. (Freedman),	February 12, 1907
Elias J. Baumhofer et al.,	February 25, 1907

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

34 encs. and 66 inc.
for Indian Office.

Cherokee F
1235.

Muskogee, Indian Territory, March 29, 1907.

Ostella Martin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application of yourself and children, as Cherokee freedmen, as affirmed by the Secretary of the Interior, March 4, 1907.

There is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-35.
LMC

Cherokee
D-113 et al.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Shook, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-44
LMS

Cherokee Freedmen
1238

Muskogee, Indian Territory, April 9, 1907

Ostella Martin,
Chelsea, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of January 11, 1907, relative to your Cherokee freedman citizenship case.

In reply you are advised that on March 4, 1907, your application for enrollment of yourself and children as Cherokee Freedmen, was denied by the Secretary of the Interior. The action of the Secretary is final.

Respectfully,

L M B

Acting Commissioner

TPIRES

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901 in the matter of the application of Ostella Martin et al for enrollment as Freedmen of the Cherokee Nation.

Mallette & Smith

Attorney for Applicants.

Cherokee F. #D582.

Department of the Interior
Commissioner to the Five Civilized Tribes

Date: 4/6/17

#1235 Cobella Marsh

Information Desired:

See letter of this date to Dept relative to striking names from roll.

BK 47 page 1

Name:

Approved:

Report:

DR. J. WADE BONE

ROOMS 3-4 LANE BUILDING

Chelsea, Indian Territory



JAN 17 1907

Cher Fr R 1270

Trans. from Cher Fr 1236

Cher Fr R 1270

Cherokee Freedman 1836.

For original application and complete record see Cherokee Freedman Case No. 1836.

FILED

OMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Tahlsea, I.T.

District Tawasecowee

1. Name Harrison Lowry Age 25

Owner's name Citizenship

Year R. R. Page 150 No. 3707 District Tawa

Parents:

Father John Lowry - dead Citizenship Colored

Mother Charlotte Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Doubtful Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No 1 Stenographer B. C. Jones

On Wallace Roll C 191 No 3707. Harrison Adair no dist shown.

Represented by Mellette & Smith, Tahlsea, I.T.

Trf to D 598.

File with Cherokee Freedman, D-533, Mallory Emily.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Marry Harris for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:
Mellette & Smith, for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

MARY HARRIS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Harris.
Q How old are you? A About 33.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of your children? A Irene Harris.
Q How old is she? A 12 years old.
Q The next child? A Olive Harris.
Q How old is she? A 10.
Q The next one? A Rheta.
Q How old is Rheta? A 8.
Q Are these children all living at this time? A Yes, sir, they were last Thursday when I left home.
Q If they had died since you would probably have heard of it, wouldn't you? A Yes, sir.
Mr. Smith: Where do you live? A Vinita.
Q Who was your mother? A Charlotte Vann.
Q Who was your father? A John Adair; that was their slave names though.
Q Where were you born? What is the information you have on that? A In the Cherokee Nation.
Q How long have you lived at Vinita? A 12 years.
Q Where did you live before you lived at Vinita? A Lived a while on Grand River and a while up here on Panther Creek.
Q Was your mother a slave? A Yes, sir.
Q To whom did she belong? A Jim Vann and Ellen Vann.
Q Was your father a slave? A Yes, sir.
Q Your mother's name was what? A Charlotte Vann.
Q What was your father's name? A John Adair was his slave name.
Q You were too young to remember anything, you were not born when the war come up? A I don't think I was, I don't remember anything about it.
Q You say you are about 33? A Yes, sir.
Q Have you any brothers and sisters? A I have two brothers and two sisters.
Q What are their names? A Joe Curry his name is.
Q What is the other brother named? A Harrison Curry; we are all Currys.
Q What is your sister's name? A Cornelia Curry, or Cornelia Martin now, since she is married, and Stella Martin; two sisters married two brothers.
Q That all in your family? A I have two older sisters, they are dead.
Q Just those that are living? A That is all that is living here.
Q Now your father John Adair was sometimes called Curry? A Yes, sir, we knew him as Curry, us children we didn't know anything about

his slave name; it seems his father was a Curry.
Q And what Charlotte Vann your mother's slave name? A Charlotte Vann, but we knew her as Charlotte Curry
Q Now who is the older member of your family, yourself or your brothers or sisters? A Myself.
Q Well, where have you always lived? A Several different places; when I first remember I lived on Grand river.
Q Have you always lived in the Cherokee Nation? A Yes, sir, most of my time.
Q If you have been out at any time state when and what you were doing? A It has been about 18 years since I was out the first time, I went to my grandmother's in Kansas, in Anderson County, near Garnett
Q How old then; about how old? A About 14 or 15.
Q When did you marry? A I married in 1888.
Q Where are these children whose names you have given in here?
A My own children, they are in Vinita with their papa.
Q Now has you any other brothers and sisters other than the ones you named, at any time? A I had two, but one is dead, I have one living, that we don't know of being dead.
Q What was her name? A Emma Williams, daughter of the same mother.
Q And what was the other one named? A Her name was Sophia Bird or Edie Bird they called her.
Q Do you know whether either one of them was on the 1880 roll or not? A I think both of them was.
Q Have you ever been enrolled? A Yes, sir.
Q Upon what roll? A I drew money on the Kern-Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Mary Harris on page 150, No 3719, Cooweescoowee district;
Irene Harris on page 150, No. 3720, Cooweescoowee district;
Olive Harris on page 150, No. 3721, Cooweescoowee district;
Rheta Harris on page 150, No. 3722, Cooweescoowee district.

Q Were you on the Wallace roll? A I don't know, I didn't draw any money, I don't know; I was sick, I couldn't get to the payment.

The Wallace roll examined and the applicants not identified thereon.

Q Where does your brother Joe Curry live? A Lives up with us, he hasn't got any home of his own, permanent home, he lives with me and my sister.
Q Where does your brother Harrison live? A He lives with my uncle Henry Montgomery.
Q Where is that? A Up here some place on Panther Creek, in this settlement.
Q Near what postoffice? A It is Chelsea postoffice, about a mile and a half or two miles from here.
Q Where does your sister Stella Martin live? A Lives right over here on Panther Creek, too.
Q Postoffice? A Chelsea.
Mr. Hastings: What was your mother's name? A Charlotte Vann.
Q When did she die? A She died about 18 years ago.
Q Where did she die? A On Grand River.
Q And your father's name? A John Curry, as we knew him.
Q The people knew him in the country as John Curry? A Yes, sir, I suppose so; I did.
Q When you were first old enough to remember, you were living where? A On Grand River.
Q How many brothers and sisters did you have? A I had, there

was six of us; I have never had but two brothers.
Q And three sisters besides yourself? A Yes, sir.
Q Who were you living near over on Grand River? A Art Williams and Millie Frye.
Q You were living as their neighbors? A Yes, sir.
Q About how old were you when you moved away from there? A About 17 years old.
Q You lived there from your earliest recollecti n till you were abou. 17? A Yes, I think so.
Q How far from Millie Frye? A I can't tell you.
Q Was it a mile or two miles or five? A I can't tell you.
Q Or twenty? A No, sir, it wasn't twenty, because it is 20 miles from here to Vinita, and it wasn't that far.
Q Who was your nearest neighbor? A I think it was Art Williams.
Q Which side of Grand River did you live on, east or west? A On the other side of Grand River, on Lynch's Prairie.
Q Saline district? A I don't know nothing about the districts.
Q You say yourwere 17 years old and you don't know what district you were in? A No, sir, I don't know.
Q And you don't know any more neighbors than those you have mentioned? A I think there was one Buffington.
Q What was his name? A I don't remember, Buffington.
Q How far did you live from Watt West down there? A I don't know.
Q You never heard of him? A I might at the time, but I don't remember him now.
Q Do you mean to say you lived in the neighborhood till you were 17? A Yes, sir, if I was out right when I was young, I don't remember it, but it was about that old when I remember it.
Q And you don't remember your neighbors? A There was Millie Frye and this Buffington and Art Williams.
Q You don't remember any Cherokees around there at all? A No, I don't know many in Vinita and I have been there 12 years.
Q You have been in Vinita 12 years? A Yes sir.
Q Where did you come from when you went to Vinita? A Came from out here on Panther Creek.
Q How longhave you been living on Panther Creek? A A year or so.
Q Where did you come from when you went to Panther Creek? A I came from Wichita, Kansas.
Q Whe e were you married? A Kingman, Kansas.
Q What is your husband's name? A Nelson Harris.
Q H w many children have you? A I have three.
Q What is the oldest one's name? A Irene.
Q How old is Irene? A She is 12.
Q Where was Irene born? A Out here on Panther Creek at Fannie Anderson's house.
Q You were visiting there at the time? A I went there for that purpose.
Q Where was your husband? A He was in Kingman, Kansas.
Q That is the reason why you didn't get on the Wallace roll.
A I don't think it was, I went to see Mr. Wallace.
Q You were living in Kansas? A I wasn't no such thing, I told you my husband was living in Kansas.
Q Where was your next child born? A Born in Vinita.
Q How old is it? A 10.
Q Where was your husband living when that child was born?
A He was living right there with me.
Q In Vinita? A Yes, in Vinita.
Q Where was your next child born? A Born there too.
Q Are you certain about that? A Yes, I am.
Q Have you been keeping house there since? A We call it that.
Q Your husband been living with you? A Pretty near it; nobody else.

Q Now he hasn't been living in Kansas? A No, sir, not since I married I haven't been living in Kansas.
Q I thought you said your husband was living up there? A He was up there working and I was down at my aunt's and I haven't been back, do you understand that.
Q Where are all these sisters and brothers of yours? A When my oldest child was born, my youngest brother Joe was there in the house, and when the next was born, they were both in the house, when the middle was born, and when the youngest was born, they were on Big Creek.
Q Who brought them up, did they live with you up to the time you were married? A No, sir, they were not with me, the youngest one was with me at that time, but we have been all together at short times.
Q Who did they make their home with? A With my aunt.
Q What was your aunt's name? A Frances Anderson.
Q Out here mouth of Chelsea? A Yes, sir, out here where you see that white house.
Q What did your father and mother do down on Lynch's Prairie before that? A I don't know that they did much of anything, my father didn't.
Q Your mother down there? A She lived with her grandmother.
Q What was her grandmother's name? A Granny Charlotte is all I know.
Q You never heard any other name than that? A No, if I did I don't remember it.
Q You were 17 years old? A About that.
Q And yet you don't know your grandmother's name? A Not anything but Granny Charlotte and if I did know anything else and heard it, I have forgotten it.
Commissioner: You know whether your mother is on the roll of 1880 or not? A No, sir, I don't.
Q What was her name? A Charlotte Curry her name was when I was a child.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's mother not identified thereon.

Q These children all alive and living with you? A They are not living with me.
Q Where are they living? A Joe is with me.
Q Your own children? A My children are living with me.
Q All born in the Cherokee Nation? A Yes, sir.

MILLIE FRYE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Millie Frye.
Q Where do you live? A Live on Grand River.
Q What is your postoffice? A Vinita.
Q How old are you? A 64.
Q Do you know this applicant, Mary Harris? A Yes, sir.
Q How long have you known her? A Ever since she was a small child.
Q Who was her mother? A Charlotte Vann.
Q Was Charlotte Vann a slave before the war? A Yes, sir.
Q To whom did she belong? A Ellen Vann.
Q Was Ellen Vann a Cherokee Indian? A Yes, sir.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A Lived down on Grand River below the Locust Grove.
Q Do you know whether Charlotte was taken out or went out of the Cherokee Nation during the war, or not? A Yes, sir.
Q Did she? A Yes, sir.
Q When did you first see Charlotte back in the Cherokee Nation after the war? A It was in the year we all had the small pox.
Q When was that? A It has been about 18 years ago.

Mr. Hastings: 1865? A Yes, sir.
Mr. Smith: How is that? A We had the small pox in 1865.
Q You don't know where she was before that time, of your own knowledge? A No, sir.
Q Well, did you know this girl's father? A Yes, sir.
Q What was his name? A John Curry, they called him, after his father.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Nancy Adair
Q Is she an indian? A Yes, sir.
Q Cherokee citizen? A Yes, sir.
Q Were were they living before the war? A They lived on Flint, Nancy Adair did.
Q Did you ever see John back after the war? A I seen him when he had his family there on the river, saw him the year we had the small pox.
Q You didn't see him until you saw the rest of them? A No, sir.
Mr. Hastings: You lived right near that?
Q That is the first time you ever saw them? A I didn't live near them, they just came out on the river to see their grandfather, Charlotte came out to see old man Adams and they quarantined them in there, and her father and mother died with the smallpox, and her grandfather and grandmother, and just left the children there alone; that is all I know about it.

JOHN REESE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A John Reese.
Q Where do you live? A I live in Coweescoowee district.
Q What is your postoffice? A Coffeyville.
Q How old are you? A About 59 or 60, somewhere about that.
Q Do you know the applicant, Mary Harris? A Mary Harris?
Q Do you know the woman? A I knowed her father all right.
Q Who was her father? A John Curry was her father.
Q Did you know her mother? A I never met her mother.
Q You didn't know her mother then? A No, I never met up with her.
Q Was John Curry a slave? A Yes, sir, he was a Cherokee Freedman.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A WhyI saw him on Brair Creek.
Q When? A In the summer of '66.
Q Do you know whether he was out of the Cherokee Nation during the war? A The first time I met him he was in the Nation the time of the war, on Wolf Creek.
Q Well, after the war was over, when did you first see John Curry back in the Cherokee Nation? A Why I saw him on Brair Creek.
Q When? A In the summer of '66.
Q Do you know whether he had his family in the Cherokee Nation at that time, or not? A Why he claimed that he was looking for a house to put his family in.
Q What was in the summer of '66 or fall of '66? A It was in the summer of '66.
Q Where was that? A I was on the old John Alberty place on Pryor Creek.
Q Where was the old John Alberty place? A On Pryor Creek.
Q Near what town or place now? A Why it was the nearest little town to it to my knowing, some calls it Choutau, wasn't no town at that time.
Q Did you see him any more after that summer when you saw him [illegible]? A I don't know that I met up with John any more, if I did I don't remember after I met up with him on Pryor Creek, he stayed all night with me on the old Alberty place, it

was called the old John Alberty place.
Q Stayed all night with you? A Stayed all night with me and old Aunt Sarah Ross and old Uncle Charles Ross and William Sunday, a Cherokee Indian.
Mr. Hastings: All them people are dead that he stayed all night with, but you?
A Yes, sir, they are dead.
Q You never did see his wife? A No, I don't remember of seeing his wife.
Q You don't know this girl? A Never saw the girl.
Q That is the first and last time you ever saw him? A No, it was not the first time I ever seed him.
Q It was the last time? A The last time I saw him was on Pryor Creek, I remember being with him.
Q When he stayed all night with you? A Yes, sir.
Q You don't know what year that was? A It was in the year of '66.
Q Know whether it was the spring or summer or fall? A It was in the summer.
Q You are positive about that? A Yes, sir, I am.
Q Positive it wasn't in the spring? A Yes, sir, it wasn't in the spring for it was along in the summer.
Q You are positive it was in the year '66? A It was in the year '66 because I had moved from Fort Gibson up to Pryor Creek and met Bill Sunday and I and Bill Sunday lived in the Alberty house.
Q You remember when a man stayed all night with you 35 years ago?
A I remember him if I was acquainted with him time of the war and I met him again I know it was the same man.
Q You remember that 35 years? A It was reasonable if I had common sense I do.

FRED MARTIN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Fred Martin.
Q What is your postoffice? A Spavinaw.
Q How old are you? A 45.
Q Do you know Mary Harris, this applicant? A Yes, sir.
Q Do you know her mother? A No, sir, I don't know her mother personally.
Q Did you know her father? A I saw her father.
Q Where did you see him? A I saw her father in '66, in the winter of '66.
Q Was it before Christmas or after Christmas? A It was after Christmas.
Q How long? A I don't remember just how long it was.
Q Where did you see him? A He stayed two or three days at my house, we were living on the John McNair place.
Q How far is that from here? A I don't know.
Q Where is it near, near Vinita, or where? A It is near Adair, I believe they call it ten or eleven miles from Adair.
Q Well, do you know what became of him, where he went to from that place? A He said he was going to Fort Gibson.
Q Did you see him any more after that? A No, sir, I didn't see him any more after that.
Q Did he ever go by any other name than John Curry? A I don't know.
Q Do you know yourself who he belonged to? A No, sir.
Q Do you know any of these children or not; do you know Joe Curry?
A Yes, sir, I know all the children.
Q You know Harrison Curry? A Yes, sir.
Q Know Cornelia Martin? A Yes, sir.
Q Know Stella Martin? A Yes, sir.
Q You have said you know Mary Harris? A Yes, sir.
Q Was anybody with this man Curry when he came to your house?
A No, sir.

Mr. Hastings: You are 45 years of age? A Yes, sir.
Q You were born in '58; you were 8 years old in '66? A I guess I was, I am 45.
Q You remember now and are willing to swear about a man coming to stay all night at your house 35 years ago, when you were eight years old? A Yes, sir, I am willing to swear to what I know.
Q When did you leave Fort Gibson? A Left Fort Gibson in the winter of '66.
Q About what time? A I don't know just what time.
Q Before or after Christmas? A I think it was after Christmas.
Q And where did you move from there? A We moved up here on the River at the John McNair place above Joe Martin's.
Q Did you build you a house up there? A No, sir.
Q Moved into one already built? A Yes, sir.
Q One built before or after the war? A One I suppose built before the war.
Q You never saw John Curry after that? A No, sir.
Q You never did see his wife? A If I did I didn't know her.
Q When was the first time you saw this girl? A I saw these children off and on for I don't know just how long.
Q After their mother's death? A I suppose it was after her death, yes, sir.

MARY HARRIS, recalled, testified:
Mr. Hastings: How do you account for the statement of Mrs. Frye, your witness, when you in your statement testified that you lived right there by her and a neighbor to her until you were 17 years of age?

Mr. Smith: That is a very unfair question, calling on the witness to account for some other witness' statement; I object to it.

Commissioner: Well, if she wants to correct her statement about it, she can do it. Go on and answer the question.

A I didn't understand him to ask me if I lived there all the time until I was 17 years of age; he asked me if I could remember where I was living and I told you.
Q And you said you lived there till you were 17 years of age right by her? A How old were I when I began to remember.
Q I don't know. A You didn't ask me.
Q When did you begin to remember? A I don't know.
Q Have you begun to remember yet? A No, sir.
Mr. Smith: What is your statement with regard to when you was living by Mrs. Frye, how long you lived there? A I thought he asked me when I was living there if I could remember who was my neighbors.
Q When was it you lived by Mrs. Frye? A I lived there on Lynch's Prairie when I remember I was about 14 or 15 years old, and I was there and they lived in that neighborhood.
Q At what time do you mean that yo lived by Mrs. Frye? A Why at the time just before we left there.
Q When was that? A That was when I was about 15 years old.
Q How long do you mean to state you lived by Mrs. Frye? A I didn't state I lived there all the time.
Mr. Hastings: I ask you now how long did you? A I don't know.
Q A year? A I don't know whether it was a year or not.
Q Where were you born? A Down on Lynch's Prairie, if I am not mistaken.
Q Right in that same neighborhood? A That is what I have been told
Q And you lived there up to that time? A I said I was in and out, when I was too young to remember, I don't know where I was.
Mr. Smith: How old were you when your mother died? A About 15 I think.

Q Who died first, your father or mother? A My mother.
Mr. Hastings: Your mother died of smallpox? A Yes, sir.

Commissioner: Mary Harris applies for the enrollment of herself and three children, Irene, Olive and Rheta. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but her and her children are duly identified upon the Kern-Clifton roll, according to page and number of the roll as indicated in the testimony. She makes satisfactory proof as to residence, and now Mary Harris and her three children will be duly listed for enrollment as Cherokee freedmen on a doubtful card, for the further consideration of the Commission. She will be duly notified of the decision of the Commission in her case when rendered, by mail.

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Supplemental testimony.

FRED MARTIN, recalled, testified:
Mr. Hastings: How long did you live on the McNair place when you moved up from Fort Gibson? A Lived on there one year.
Q Where did you move from there? A Moved from there up to Greenbriar Joe's place.
Q How long did you live there? A We lived there one year.
Q Then where did you move? A Moved from there then to the Pensacola place.
Q How far is that from Lynch's Prairie? A It is not over two miles and a half.
Q You lived in that neighborhood then how long? A We lived there a year.
Q How long did you live in that neighborhood around there? A Then we moved from there out on Cabin Creek to the John Martin place, and we lived there a year, and we moved from the John Martin place over to Spavinaw Mill.
Q That is on Lynch's Prairie? A No, sir, it is in the hills six miles from Lynch's Prairie; and we lived there a year.
Q Well, where did you move from there? A Moved from there to Vinita.
Q You have lived thereever since? A In Vinita, no, sir.
Q Have you been familiar with that Lynch's Prairie settlement since that time? A Why tolerably well, yes sir.
Q You have been down in there frequently? A Been down there very often, after I was living out of there I would go down there.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

Commissioner.

File with Cherokee Freedmen D-638, Harrison Curry.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of Mary Harris et al. for enrollment as Cherokee Freedman.

Supplemental testimony on behalf of the ~~Applicants~~ Nation.

Appearances:
J. S. Davenport, of counsel for Cherokee Nation;
Pelletie & Smith, attorneys for applicants.

ROBERT BOWEN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert Bowen.
Q How old are you? A 58.
Q What is your postoffice? A Ottumwa, Coffey County, Kansas.
Mr. Davenport: How long have you lived at Ottumwa, Kansas?
A About 46 years.
Q Since you have been living at Ottumwa, did you get acquainted with a family of colored people by the name of Harris? A No, I never was acquainted with them by the name of Harris.
Q Did you ever know any colored people by the name of Curry? A Yes sir I did.
Q What were their first names, Mr. Bowen? A His name was John Curry and her name was Charlotte Curry; that is what we called them there.
Q Do you know whether or not they had any children? A They had five children.
Q Do you know what their names were? A One was Mary, one was Joe, and one was Neely, and Teela, and the next they called him Elder, I think, I believe his name was Harrison Elder.
Q When did you first get acquainted with this Curry family? A '68.
Q Where were they living, if you know, when you got acquainted with them? A They lived right in the southwest corner of the town of Ottumwa, right adjoining my place.
Q How long did they live near your place or adjoining your place?
A They lived there for about 2 years.
Q On whose place did they live, if you know? A When they ~~left~~ over there they lived on Harrison ~~Curry~~ Kelly's place, but that was was on thw township of Ottumwa, that house was.
Q Then where did they go after they moved off the Kelly place, if you know? A Why they moved to a place of their own on the prairie in '73, after they left working for Kelly they moved to a homestead they taken on the prairie.
Q How long did they continue to live in or near Ottumwa, Kansas, after you got acquainted with them? A They lived there from '68 to '84, Mrs. Curry died in the fall of '84 there and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November, '84.
Q What makes you remember it was in November, '84? A I was at the burying and then I saw since then on the grave stone it was in '84, I has been to her grave, I was out there before I started.
Q Then do you know whether or not they moved away from there after that? A Why the children are all gone and he moved from there.
Q Sometime after the death of Mrs. Curry? A After the death of his mother.
Q Well did the family continue to keep house there in this place from the time you got acquainted with them in '67 or '8 up to the death of the mother? A Yes, sir, they lived there all the time, I saw them every few days, I saw them once a week from the time they came there until they went away.
Q And they moved away sometime then since 1884? A Yes, sir.
Q The exact time you don't know? A No, I don't know, I know he ~~was moved there a year or so after the death~~

Mr. Smith: Mr. Boren, when did you first become acquainted with the people about whom you spoke? A It was in '68.

Q You know nothing about them before that? A No, sir.

Q Now the father's name was John? A John Curry, that is the name he went by.

Q What were the names of the children? A The eldest girl was named Mary and the next boy was named Joe, that is what they called him there, and the next Neela and the next Lena and the next Elder, that is what they claimed it was around there.

Q Now what makes you think that one was named Harrison Elder? A He was named for Harrison Kelly.

Q Where did the Elder come in? A I don't know where the Elder came in, but he was named for Harrison Curry, the man they worked for, Harrison, and they added the Elder to it somehow I don't know how, but they always called him Elder.

Q You don't know whether his name was Harrison or not? A They said his name was Harrison Elder, I have heard them call him by that name, but the usual name he went by was Elder.

Q Well now that is Elder and Joe and Mary and Lena, what was the other one? A Neela.

Q Was it ever called by Lela? A Neela is what they always called her there.

Q Where were you in '68? A I lived there on my place.

Q All the time? A Yes, sir.

Q Wasn't away? A No, sir.

Q How long did you live on that place? A Oh I lived there about 18 years.

Q Continuously? A All the time, yes, sir.

Q Never went away? A No, sir, I wasn't away from the place till in '72 I moved to another place, but Curry passed my door right along just the same, I lived on that place about 18 years.

Q Where did he pass the door? A Why he passed the road and the house was right on the side of the road, passing going to his house on the prairie.

Q Did you live by them? A After I moved.

Q How about before you moved? A He worked for me a heap and he lived right on the corner where I lived and he farmed around for me and helped me break prairie and a great many things.

Q That is this man John you are talking about? A Yes, sir.

Q Ever seen any of these children since they left that country? A I was Elder a year or two ago up about Burlington, he made up up on the wagon with me, went out from Burlington to Ottumwa.

Q These children lost their mother, you say, the ones you are talking about? A Yes, sir.

Q About how old were they? A Well I think Mary was born the first season they came there in '68 and the rest were born along during the time they lived there.

Q Well her old was the eldest one of them when the mother died? A I never counted up how old it was but she was born in '68 and their mother died in '84, she was born along in the fall of the year in '68.

Q Well it must have been about 16 years old then? A Something near that I suppose.

Q And then that family scattered was you don't know where they went to? A They scattered after '84. No I don't know where they went to, I heard some of them here and heard some that in Colorado, I heard they went different places, I don't know where they are.

Q The oldest one of the children was about 16 years old when they scattered then? A Yes, why I think that is about the age.

Q During the time when you first became acquainted with these people in '68 to '84, how far was the nearest you lived from them?

A About two miles.

Q You don't [illegible]

about that.

Mr. Davenport: These children were all born there near Ottumwa?

A All born near Ottumwa.

Q State of Kansas? A Yes, sir.

Commissioner: Copies of the foregoing testimony will be filed in the present case, Mary Harris et al., Cherokee Freedman D-528, and also in Cherokee Freedman cases D-531, D-532, D-533, and D-534.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th of November, 1901.

W. D. Green
Notary Public.

F.D. 528 To be filed with F.D. 833

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 16, 1902.

In the matter of the application of Mary Harris and others for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-528.

APPEARANCES:
Mallette & Smith for applicants.
W.W. Hastings for Cherokee Nation.

HARRY E. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry E. Kelley.
Q What is your postoffice? A Fort Smith.
Q Howlong have you lived at Fort Smith? A 15 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q Whatwas your postoffice? A Burlington the last few years I lived there, but I was born at Ottumwa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.
Q Did you know a colored man up there by the name of John Curry? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Whatwas her name? A Charlotte.
Q How early do you remember of knowing them? A As early as 1868, I think as early as 1865.
Q Did you know of them in 1863? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bowlin, sometimes called Martin Adair, whowas the husband of John Curry's mother.
Q Whatwas her name? A Polly, they also lived on our farm.
Q Well John lived there at the same time? A John lived there from 18[illegible] until 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homesteading, not being the best evidence.
COMMISSION: Objection will be noted: proceed.
WITNESS: And moved onto that land and lived there until after Charlotte died.
Q About when did she died, that is his wife? A Yes, his wife, she died about 1884..
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead; I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1868? A Yes, sir.
Q When was that? A Killed a man in our county there about 1866.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A Mary and Teenie and Joe and Harrison, and another one, I can't recall the name of the other one
Q They were all born there, were they? A No, Mary wasn't born there they had her the first I can recollect.
Q You don't know where she was born? A Don't know where she was born, but the others were born there.

Q Well what was John's mother's name? A Polly.
Q Well what was her mother name, what was she known by? A Polly Bowlin, they were commonly called there, sometimes they called them Adair.
Q Well you say she married a man by the name of Martin Bowlin? A No, they were married when I came there.
Q Well, lived with a man up there by the name of Martin? A Yes, sir that was her husband then.
Q He went by the name of Martin Bowlin? A Yes, sir, Martin Bowlin.
Q And you knew them in '68? A Yes, sir, first recollection I have of Martin and Polly and their family was moving them out of the bottom time of the flood in '56; they were clearing land for my father and the overflow came, and he brought them up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel Married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not.
Q Do you know who Julia married? A No I perhaps have heard but I can't recall now.
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife; but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died.
Q About when? A Polly died between '69 and '71, I remember being there when I came home from Ohio in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation Mr. Kelley. A I am in the real estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.
Q Do you know whether this Polly Bowlin was also known as Polly Adair A Yes, sir.
Q You know that shewas the mother of John Curry? A Well, she said she was, and it was generally said she was.

Q Wellrecognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances
Q And Rachel? A And Rachel and Julia and Nancy.
MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never knew of her as Frances Anderson, no.
Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right in our back yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house.
Q And you can't say positively that you knew the Currys before '68? A I have no distinct recollection of the Currys before that I can place, before '68.
Q Yes. A Although I have understood that they came there all together, the whole bunch.
Q Well I move to strike that because that's what the witness understood and not what he knew.

COMMISSION: Motion will be noted, and the testimony will be considered for all it is worth.

MR. SMITH: But so far as your personal knowledge goes you can't fix them there before '68? A I can't fix the Curry's there before '68 on our place.

Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.

Q You spoke of moving somebody up out of the bottom, who was that?

Q Old Martin and his family.

Q Who was Martin with reference to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was John's stepfather? A Yes, sir.

Q Well now you spoke of somebody killing a man, now who was that? A John Curry.

Q Well was that your personal knowledge or a matter of hearsay? A Well I didn't see the killing done, I knew of his being tried there but it was the first thing of the kind I ever heard, and made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '68. I ~~can't give you the date, no.~~

Q Do you know what year it was that he killed the man? A To the best of my recollection was in the ~~xxx~~ spring of '68.

Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried? A Well I was told around town there.

Q You only heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Currys? A I knew, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.

Q 84? A '84.

Q What time did you make your visit to Ohio before you went to school A In '68.

Q How old were you then? A I was 6 years old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh, a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there? A A member of Congress from that district, if that's what you mean, yes, sir.

Q In what years? A He was elected in '88.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-541, D-533, D-534, D 532, and in D 528, the case at bar.

MR. HASTINGS: The Cherokee Nation asks that this testimony be filed in the case of Frances Anderson D-627, and in the references thereto as follows: D-687, D-689 and D 906

MR. SMITH: The counsel for Frances Anderson and cases connected therewith and of the same numbers, object to the filing in these cases of the testimony of the witness Harry E. Kelley, for the reason that it does not appear from said testimony that the Frances mentioned by him is identical with the applicant, Frances Anderson.

MR. HASTINGS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness H.E. Kelley's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Curry and the testimony further shows that her mother's name was Polly Adair, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony; and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her step-father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that she visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY E. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, dddyou know Rachel Steele after she was married? A Yes, sir.

Q Did you know her husband's name? A Harry Steele.

Q Did they live there near you? A They lived on our place, there right by our house, worked for us.

Q Have any children? A Yes, sir.

Q How long did you continue to know them there? A After thed eath of Rachel's mother she -- I don't remember her again until she came back there married to Harry Steele. I think she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.

Q How many children did you say they had? A There was several, I don't recall how many, several children, I think of them born there on the place.

Arthur G. Croninger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

P.G. Reuter,
Notary Public.

(SEAL)

C. L. Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete copy thereof.

C L Mielenz

Subscribed and sworn to before me this 16th day of June, 1902.

Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings;

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Harrison Curry, D 533;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation,~~ on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:

In the matter of the application for the enrollment of Mary Harris, et al., as Cherokee freedmen, consolidating the applications of:

Mary Harris et al	Cherokee freedmen	D 528
Joseph Curry	" "	D 531
Ostella Martin et al.	" "	D 532
Harrison Curry	" "	D 533

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission, by Mary Harris for herself and her minor children, Irene, Olive and Rheta Harris; by Joseph Curry for himself; by Ostella Martin for herself and her minor children, Ira, Cecil, Roy and Myrrh E. Martin; and by Harrison Curry for himself.

The evidence shows that all the applicants herein are the descendants of John Curry and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the rebellion; and that the said John and Charlotte Curry were taken out of the Cherokee Nation during the rebellion, but John Curry returned to, and established his residence in said Nation prior to January 19, 1867. All the said descendants of John Curry were born subsequent to the date of his return to the Cherokee Nation, as above stated.

The evidence further shows that the said Joseph Curry and Mary Harris have resided in the Cherokee Nation continuously for more than twelve years immediately preceding the date of their applications herein; and that the said minor children of Mary Harris have resided therein all their lives; that Ostella Martin has resided in said Nation continuously from 1892, up to and including the date of her application herein, and her said minor children have resided therein all their lives; and that Harrison Curry has resided in said Nation continuously for about fourteen years immediately preceding the date of his application herein.

It is, therefore, the opinion of this Commission that Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby, Chairman.

(signed) T. B. Needles, Commissioner.

(signed) C. R. Breckinridge, Commissioner.

(signed) W. R. Stanley, Commissioner.

Dated at Muskogee, Indian Territory,

this Jul 10 1903.

C.F.B.

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY HARRIS et al. as Cherokee Freedmen, consolidating the applications for the enrollment of;

Mary Harris et al.	Cherokee Freedmen 1233	(D 528)
Joseph Curry,	Cherokee Freedman 1234	(D 531)
Ostella Martin et al.	Cherokee Freedmen 1235	(D 532)
Harrison Curry	Cherokee Freedmen 1236	(D 533)

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That application for enrollment as Cherokee freedmen were made to the Commissioner to the Five Civilized Tribes by Mary Harris for herself and her minor children, Irene, Olive and Rheta Harris; by Joseph Curry for himself; by Ostella Martin for herself and minor children, Ira, Cecil, Roy and Myrrh E. Martin; and by Harrison Curry for himself. The records further show that on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision herein granting all of said applicants the right to enrollment as Cherokee freedmen, which decision was, on November 12, 1903 (I.T.D. 7616-1903), duly approved by the Department; and that the names of said applicants are included in the partial roll of Cherokee freedmen approved by the Secretary of the Interior November 16, 1904, opposite Nos. 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448 and 3449, respectively. The records further show that on December 17, 1906 (I.T.D. 7616-03, 13666-05, 17158-06, 24880-06), a motion to reopen and reject having been filed by the Attorney for the Cherokee Nation, the Department rescinded its said decision of November 12, 1903, granting the application for the enrollment of said applicants, and returned said case to this office for further hearing and readjudication in view of Departmental decision of April 25, 1906, in the Cherokee freedmen case of Jack Starr et al. Further proceedings in in the matter of said application were had at Muskogee, Indian Territory, January 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as descendants of John and Charlotte Curry, both deceased; that the said John and Charlotte Curry were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the progress of said rebellion they left the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses

C.F.B.

Whitmire, trustee, etc. vs. the Cherokee Nation et al., and as provided by Section 3, of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the return of freedmen to the Cherokee Nation.

Attention is here invited to the decision of the Commissioner to the Five Civilized Tribes rendered September 30, 1905, in the matter of the application for the enrollment of Jack Starr et al. as Cherokee freedmen C.F.D. 443, which decision was, on April 25, 1906 (I.T.D. 13666-1905), duly approved by the Department. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Estella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrtle E. Martin and Harrison Curry are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such are accordingly denied.

SIGNED Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,
this Febr 12 1907

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
R-638, &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris, et al., granting the application for the enrollment of Mary, Irene, Olive and Nesta Harris, Joseph Curry, Estella, Ira, Cecil, Roy and Myrtle E. Martin, and Harrison Curry, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. R-638.

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 533

Muskogee, Indian Territory, August 11, 1903.

Harrison Curry,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enclosure C 18
Register

Cherokee Freedmen
D 528-531-2-3

Muskogee, Indian Territory, August 11, 1903.

Edgar Smith,

Atty. for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings .

You are hereby advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest has been furnished the principal applicant by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. [illegible]

Commissioner in Charge.

Enclosure # 19
Register

COPY.

Cherokee Freedmen D 528-531-2-3

Muskogee, Indian Territory, August 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Harris et al., including the Commission's decision dated July 10, 1903, granting the application for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin and Harrison Curry, as Cherokee Freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enclosure C 20

Refer in reply to the following:
Land. 82, 364-1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

The Honorable OFFICE OF INDIAN AFFAIRS,

The Secretary of the Interior, WASHINGTON, Oct. 23, 1903.

Sir:

I have the honor to transmit, herewith, a communication from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record of proceedings in the consolidated case of Mary Harris, et al., applicants for enrollment as citizens of the Cherokee Nation.

Mary Harris applies for the enrollment of herself and her minor children, Irene, Olive and Theta Harris as Cherokee freedmen. Joseph Curry applies for the enrollment of himself. Ostella Martin applies for the enrollment of herself and her minor children, Ira, Cecil, Ray and Myrrh E. Martin, and Harrison Curry applies for his enrollment.

July 10, 1903, the commission held that all of the applicants were entitled to enrollment as Cherokee freedmen. The Nation protests against the commission's decision. The record in this case shows that all of the applicants are descendants of John and Charlotte Curry, both of whom were slaves of Cherokee citizens at the commencement of the Rebellion. John and Charlotte were taken out of the Cherokee Nation during the Rebellion, but John Curry returned to and established a residence in the Cherokee Nation before the expiration of six months from the date of the treaty of 1866. These applicants were born subsequent to the return of John Curry to the Cherokee Nation.

Joseph Curry and Mary Harris have resided in the Cherokee Nation for more than 10 years preceding the date of their applications, and the minor children of Mary Harris have resided there all their lives. Ortella Martin has resided in the nation continuously from 1890, and her children have resided there since their respective births. Harrison Curry has resided in the nation since about 1887. Charlotte Curry, slave name Vann, belonged to Jim and Ellen Vann; John Curry, slave name Adair, belonged to Nancy Adair, a Cherokee Indian.

The Department on May 11, 1900, in construing that part of the Curtis Act which declares that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered February 3, 1896, said that freedmen "who are or were "freedmen who had been liberated by voluntary act of their former "owners, or by law, as well as all free colored persons who were in "the Cherokee country at the commencement of the Rebellion, and were "residents therein at the date of said treaty, or who returned there- "to within six months thereafter, and their descendants," were to "be deemed as entitled to enrollment as Cherokee freedmen.

In view of the above quotation from Department letter of May 11 1900, and considering the fact that the record shows that John Curry returned to and settled in the Cherokee Nation within the time specified by the treaty of 1866, the office believes that these applicants should be enrolled as Cherokee freedmen, and recommends the approval of the commission's decision.

Very respectfully,

W. A. Jones,

(G.A.W.)P.

Commissioner.

PHN.
JWH.
LRS.

D C No 31713.
I.T.D. 7016-1903. DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 12,1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory .

Gentlemen:

August 11, 1903, you transmitted the record of proceedings had in the consolidated case of Mary Harris(Cherokee Freedmen D-528-531-2-[illegible] et al.,applicants for enrollment as Cherokee Freedmen. The applicants included in this case are Mary Harris,Irene Harris,Olive Harris Rheta Harris,Joseph Curry, Ostella ~~Curry~~ Martin, Ira Martin,Cecil Martin, Roy Martin, Myrrh M.Martin, and Harrison Curry. On July 10, 1903, you rendered a decision granting their applications. The attorney for the Cherokee Nation protests against your decision.

From the record it appears that these applicants are the descendants of John and Charlotte Curry, who were the slaves of Cherokee citizens at the commencement of the war of the rebellion; that John and Charlotte Curry were absent from the Cherokee Nation during the war, but that he returned and established his residence therein before the 19th of January, 1867.

It further appears that the descendants of John Curry,who are applicants herein,were born subsequent to the date of his return to the Cherokee Nation. It further appears that Joseph Curry and Mary Harris have lived in the Cherokee Nation for the last twelve years prior to the date of their applications; that the children of Mary Harris have lived in said Nation all their lives;that Ostella Martin has resided therein since 1892;that her minor children have resided there all their lives, in such applications and that Harrison Curry has resided in said

nation for the fourteen years immediately preceding his application.

Reporting in the matter October 23, 1905, the Commissioner of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

It is considered that these applicants are entitled to enrollment under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat.,495). Your decision granting their applications is therefore affirmed.

Respectfully,

(Signed) Thos.Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-533.

Muskogee, Indian Territory, November 19, 1903.

Harrison Curry,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, granting, among others, the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Chairman.

Cherokee F. D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

Edgar Smith,

Attorney for Mary Harris et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby.

Chairman.

Cherokee F.D-528-
D-531 D-532 D-533.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Mary Harris et al., granting the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph and Harrison Curry, Ostella, Ira, Cecil, Roy and Myrrh E. Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1903.

Respectfully,

Tams Bixby

Chairman.

Muskogee, Indian Territory, October 2, 1905.

Chief Clerk,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

Under date of September 30, 1905, this office recommended that the Department reconsider its decision of November 12, 1903, approving the decision of the Commission to the Five Civilized Tribes granting the applications for the enrollment of Mary Harris, et al. Cherokee Card F-1233, Joseph Curry, Cherokee F-1234, Ostella Martin, Cherokee F-1235, and Harrison Curry, Cherokee F-1236, whose names appear upon a Cherokee Freedmen schedule approved by the Department on November 16, 1904, opposite numbers 3439 to 3449, inclusive.

You are directed to withhold the preparation of any deeds to the parties whose names appear upon said schedule opposite the numbers referred to until further advised by this office.

Respectfully,

Commissioner.

R

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

Chief Clerk,

Cherokee Land Office,

Dear Sir:

You are advised that motions have been filed by the attorney for the Cherokee Nation for a rehearing in the following Cherokee Freedmen enrollment cases listed on Cherokee Freedmen straight cards, to-wit:

F-1233 ---------- Mary Harris, et al.,
F-1234 ---------- Joseph Curry,
F-1235 ---------- Ostella Martin, et al.,
F-1236 ---------- Harrison Curry,
F-1237 ---------- Eliza Gaines,
F-1238 ---------- Jane Webb,
F-1239 ---------- Mary Mabry, et al.,
F-1240 ---------- Berry Thompson, et al.,
F-1245 ---------- Julia Nash,
F-1246 ---------- Georgia Jones, et al.,
F-1247 ---------- John H. Nash, et al.,
F-1248 ---------- Malinda Johnson, et al.,
F-1249 ---------- Martha Greene, et al.,
F-1250 ---------- Berry Nash,
F-1251 ---------- Edward Nash,
F-1252 ---------- Carrie Harris, et al.,
F-1253 ---------- Ella Hames,
F-1254 ---------- Michael Martin,
F-1256 ---------- George Martin, et al.,
F-1257 ---------- Joshua Martin,
F-1258 ---------- Edward Brown, et al.,
F-1259 ---------- Israel Martin, et al.,
F-1260 ---------- Nellie Brown, et al.,
F-1261 ---------- Harriett Tucker, et al.,
F-1262 ---------- Lydia Carter,
F-1263 ---------- Allie McElroy, et al.,

F-1304---------- Robert Harper,
F--389---------- Mary Robbins, et al.,
F-1414---------- Houston West, et al.,
F-1415---------- George West, et al.,
F-1416---------- Callis West,
F-1417---------- Callis West,
F-1494---------- Henry West, et al.

The names of the persons appearing on these cards are included in schedules of Cherokee Freedmen approved by the Secretary of the Interior. Until these motions shall have been finally acted on, action on the allotments selected for them should be withheld and no allotments of land should be made to any of the persons appearing on said cards until further advised.

The United States Indian Agent, Union Agency, has this day been notified of the filing of these motions.

Respectfully,

Commissioner.

LS

Muskogee, Indian Territory, July 14, 1906.

United States Indian Agent,

Union Agency,

Muskogee, Indian Territory.

Dear Sir:

For your information, you are advised that the attorney for the Cherokee Nation has filed motions to reopen the Cherokee Freedmen enrollment cases of the persons hereinafter named, whose names appear upon schedules of Cherokee Freedmen approved by the Secretary of the Interior, as follows:

Roll No.	Name.
3439	Mary Harris,
3440	Irene Harris,
3441	Olive Harris,
3442	Rheta Harris,
3443	Joseph Curry,
3444	Ostella Martin,
3445	Ira Martin,
3446	Cecil Martin,
3447	Roy Martin,
3448	Myrth E. Martin,
3449	Harrison Curry,
3530	Eliza Gaines,
3531	Jane Webb,
3532	Mary Mabry,
3533	Frank Mabry,
3534	Berry Thompson,
3535	Elmer Thompson,
3536	Leo Thompson,
3537	Morrison Thompson,
3538	Julia Nash,
3539	Georgia Jones,
3540	John H. Jones,

Roll No.	Name.
3541	Ellen Jones,
3542	Charlie Jones,
3543	Susie Jones,
3544	Walter Jones,
3545	Roxie Jones,
3546	McKinely Jones,
3547	Centralia Jones,
3548	John H. Nash,
3549	Allie Nash,
3550	Jesse H. Nash,
3551	Ollie Nash,
3552	Lucy Nash,
3553	Malinda Johnson,
3554	Lottie Johnson,
3555	Lizzie Johnson,
3556	Belle Johnson,
3557	Eva Johnson,
3558	Annie Johnson,
3559	Peter McKinely Johnson,
3560	Reuben Johnson,
3561	Lewis Johnson,
3562	Julia Johnson,
3563	Martha Grooms,
3564	Dona Grooms,
3565	Peter W. Grooms,
3566	Leuretha Grooms,
3567	Berry Nash,
3568	Edward Nash,
3569	Carrie Harris,
3570	Delilah Harris,
3571	Ella Humes,
3573	Michael Martin,
3574	George Martin,
3575	Alice Martin,
3576	Martha Martin,
3577	Clifton Martin,
3578	Ethel Martin,
3579	Jane Martin,
3580	Joshua Martin,
3581	Edward Brown,
3582	Henry Brown,
3583	Stella Brown,
3584	Laura Brown,
3585	Israel Martin,

Roll No.	Name.
3586	Lizzie Martin,
3587	Maggie Martin,
3588	Louis Martin,
3589	Laura Martin,
3590	Lottie Martin,
3591	Nellie Brown,
3592	Roxie Brown,
3593	Moses Brown,
3594	Jennie Brown,
3595	William Brown,
3596	Michael Brown,
3597	Harriett Tucker,
3598	Clem Martin,
3599	Emma Bean,
3600	Henrietta Bean,
3601	George Tucker,
3602	Floyd Tucker,
3603	Sarah M. Tucker,
3604	Lydia Carter,
3605	Allie McElroy,
3606	Etta Taylor,
3607	Robert Harper,
3280	Mary Robbins,
3281	Dollie Rogers,
3282	Sherman Jones,
3866	Houston West,
3867	Ida West,
3868	Nancy West,
3869	Fannie West,
3870	Georgie West,
3871	William West,
3872	George West,
3873	George West, Jr.,
3874	Jessie West,
3875	Albertha West,
3876	Callis West,
3877	Callis West,
4079	Henry West,
4080	Callis West Jr.,
4081	Cornelius West,
4082	Charlie West,
4083	Carrie West,
4084	Ella West,
4085	Watie West,
4086	Walter West,
4087	Sadie West,

Roll No.	Name.
4088	Martha West;
4089	Vinita West.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, November 28, 1906

The Honorable,

The Secretary of the Interior.

Sir:

September 30, 1905, the Commissioner in transmitting the Cherokee freedmen consolidated applications of Jack Starr et al., recommended that in the event of Departmental approval of his decision adverse to the applicants in the case, that the Cherokee freedmen case of Mary Harris et al., be reopened and the decision therein enrolling the applicants, be reversed. April 28, 1906 (I.T.D. 13666-1905), the Commissioner's decision adverse to the applicants embraced in the case of Jack Starr et al., was affirmed by the Department, and no action was taken on the Commissioner's recommendation in the Harris case. May 16, 1906, this office, referring to the Department's decision of April 28, 1906, in the Starr case, transmitted a copy of its letter of September 30, 1905, forwarding the Starr case, and called attention to the recommendation in the Harris case.

There is herewith enclosed a motion filed June

25, 1906, by the Attorney for the Cherokee Nation, "to re-open and reject" the applicants embraced in the consolidated case of Mary Harris et al.

For the reasons stated in this office's letter of September 30, 1908, it is respectfully recommended that the Nation's motion be granted.

The decision of the Commission to the Five Civilized Tribes dated July 10, 1903, granting the applications for the enrollment of Mary Harris et al., D 528; Joseph Curry D 531; Estella Martin et al., D 532, and Harrison Curry D 533, was affirmed by the Department November 12, 1903 (I.T.D. 7616-1903), and the names of the applicants embraced in the case are included in a schedule of Cherokee freedmen approved by the Department November 16, 1904, opposite numbers 3439 to 3449, inclusive. Applications for the selection of allotments of land in the Cherokee Nation for all of the applicants in the Harris case were made to the Commission to the Five Civilized Tribes prior to September 30, 1908, and certificates describing the land selected were mailed to the applicants. No deeds describing the land selected for said applicants have been prepared.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. R-38

Commissioner

(C O P Y)

G.R.

D.C.55862-1906.

DEPARTMENT OF THE INTERIOR, IJE

WASHINGTON.

I.T.D. 7616-1905.
13666-1905.
17158-1906.
24880- "

December 17, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has carefully considered, in connection with the record, a motion to reopen the consolidated Cherokee freedman enrollment case of Mary Harris et al., transmitted with your letter of November 22, 1906.

In view of departmental decision of April 25, 1906 (I.T.D. 13666-1905), wherein the Department, in the Cherokee freedmen case of Jack Starr et al., held that neither John Curry nor Charlotte Curry returned to and established a residence in the Cherokee Nation prior to February 11, 1867, and in view of the fact that John Curry and Charlotte Curry are the alleged ancestors through whom applicants, Mary Harris et al., claim right to enrollment as Cherokee freedmen, said motion to reopen the consolidated Cherokee freedmen case of Mary Harris et al., filed by the Cherokee Nation, is hereby granted, and departmental decision of November 12, 1903 (I.T.D.7616), granting the application for the enrollment of the applicants named therein is hereby

vacated and set aside, and the record in the case is returned to you for a rehearing and readjudication in view of departmental decision of April 25, 1906, in the Cherokee freedman case of Jack Starr et al.

You are requested to confine your rehearing to testimony to determine the whereabouts of John Curry and Charlette Curry from the close of the war of the rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlette Curry were residents of Kansas from 1868 to 1884.

You will advise applicants and their attorneys of the date for rehearing.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

6 inclosures.

Cherokee Freedmen
1836.

Muskogee, Indian Territory, December 29, 1906.

Harrison Curry,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of December 17, 1906, granting a motion made by the Attorney for the Cherokee Nation to reopen your Cherokee freedman enrollment case, and ordering a rehearing therein.

This office is directed to:

> "confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are directed to appear before the offices of the Commissioner at 9 o'clock A. M., on Thursday, January 17, 1907, and introduce testimony showing the whereabouts of your parents, John and Charlotte Curry, from the close of the Wamgof the rebellion up to 1868. Upon your failure to appear and introduce testimony on that date, a decision will be rendered in your case on the evidence heretofore introduced. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires.

Respectfully,

JMH

Commissioner.

Cherokee Fr.
1233.

Muskogee, Indian Territory, December 31, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of Departmental letter of December 17, 1906, granting your motion to reopen the Cherokee freedman consolidated case of Mary Harris, et al.

This office is directed to:

> "confine your rehearing to testimony to determine the whereabouts of John Curry and Charlotte Curry from the close of the War of the Rebellion up to 1868, as it is satisfactorily shown to the Department that John Curry and Charlotte Curry were residents of Kansas from 1868 to 1884."

You are advised that the principal applicants have this day been directed to appear before the offices of the Commissioner at 9 o'clock A. M., on January 17, 1907, and introduce testimony shewing the whereabouts of their parents, John and Charlotte Curry, from the close of the War of the Rebellion up to 1868. The Cherokee Nation will be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

JMH

Commissioner.

Cherokee F.
1236(D 833)

Muskogee, Indian Territory, February 12, 1907.

Harrison Curry,

Chelsea, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the application for your enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.H-58
JMH

Commissioner.

Register.

Cherokee F.
1218 et al.
(D 528 et al).

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Mary Harris, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of thr Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-89
JMH

Commissioner.

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Mary Harris, et al., 1233 et al.(D 528 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 12, 1907, denying the applications for the enrollment of Mary, Irene, Olive and Rheta Harris, Joseph Curry, Osteria, Ira, Cecil, Roy and Myrrh M. Martin, and Harrison Curry as Cherokee freedmen.

On December 17, 1906 (I.T.D.7616-1903,13666-1905,17158, 24860-1906), the Department remanded this case to this office for rehearing and readjudication.

Respectfully,

Encl.H-60
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

-Copy-

Land
15802-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Department letter of December 17, 1906 (I.T.D. 24880) there is enclosed a report from Commissioner Bixby, dated February 12, 1907, transmitting the record relative to the application for enrollment of Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin and Harrison Curry, as Cherokee freedmen. On February 12, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner has been examined and found to be correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPB-NL

D.C. 12849-1907.
LRS.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,

T.T.D.
7026, 7038, 7072, 7088-07.
7114, 7124, 7130, 7132-07.
7134, 7136, 7138, 7140-07.
7142, 7152, 7156, 7160-07.
7162, 7174, 7176, 7180-07.
7182, 7190, 7192, 7200-07.
7208, 7216, 7218, 7224-07.
7228, 7296, 7320, 7348-07.
7364, 7388-07.

WASHINGTON.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
Sarah A. Shook,	February 23, 1907.
Vernon G. Huddleston (Freedman),	February 16, 1907.
Edward T. Roberts, (intermarried),	February 23, 1907.
Lillie Moffett Dodson,	February 23, 1907.
Eugene and Lucinda Braden (Freedmen),	February 23, 1907.
Sarah C. Brackett, (intermarried),	February 23, 1907.
Andrue E. and Robert Leroy Stiles,	February 10, 1907.
Leone and Margree Gunter (Freedmen),	February 23, 1907.
Lydia V. Banks (Freedman),	February 23, 1907.
Eliza and Mamie Benton (Freedmen),	February 21, 1907.
Butler Franklin Stevenson,	February 21, 1907.
Chanie M. Blackwell (Freedman),	February 23, 1907.
Sam Bane et al.,	February 23, 1907.
Emeline Weaver, (intermarried),	February 26, 1907.
John P. Scruggs, (intermarried),	February 22, 1907.
Sarah E. Parks, (intermarried),	February 20, 1907.

Title of Case.	Date of Your Letter of Transmittal.
Lucrecia Tidwell, (intermarried),	February 23, 1907
John Wilkesson, (intermarried),	February 20, 1907
Bennie Mackey (Freedman),	February 11, 1907
Lucy Antoine, (intermarried),	February 23, 1907
Mary E. Bible, (intermarried),	February 4, 1907
Georgia Murry (Freedman),	February 18, 1907
Nicholas Landrum, Jr. (Freedman),	February 23, 1907
Oliver and Cordelia A. Fields (Freedmen),	February 23, 1907
Josephine Harris (Freedman),	February 25, 1907
John Hildebrand,	February 23, 1907
Oscar L. Appleman,	February 20, 1907
Mary A. J. Wixom,	February 23, 1907
Geraldine Montgomery, (Freedman),	February 24, 1907
Martha Tidwell,	February 23, 1907
Emily L. Brown, (intermarried),	February 2, 1907
Sallie Fourkiller,	February 25, 1907
Mary Harris et al. (Freedmen),	February 12, 1907
Elias J. Baumhofer et al.,	February 25, 1907

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

54 ins. and 65 inc.
for Indian Office.

Cherokee F
1236.

Muskogee, Indian Territory, March 29, 1907.

Harrison Curry,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-32
LMC

Acting Commissioner.

Cherokee
D-113 et al.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Shook, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-44
LMC

Acting Commissioner.

COMMISSIONERS
HENRY L. DAWES.
JAMES BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 5th, 1901, in the matter of the application of Harrison Currey for the enrollment of himself as a Freedman of the Cherokee Nation.

Mellette Smith

Attorney for Applicant.

Cherokee #D533.

3

Department of the Interior

Commissioner to the Five Civilized Tribes

Date: 4/6/17

F 1236 Marion Co

Information Desired:

See letter of this date &
Dpt relative to striking
names from M.C.
Bk 97 p 1 pk

Name:

Approved:

Report:

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Harrison Curry,

Chelsea, Indian Territory.

1903

REC'D AUG 17 MUSKOGEE, IND. TER.

Cher. Fr. R. 1271

Trans. from Cher. Fr. 1337

Cher. Fr. R. 1271

To be filed with case of Jesse Beeson, C. P. D.#783.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA? I.T., JUNE 11th, 1901.

Mellette & Smith Attorneys for the applicant.
James Davenport for the Cherokee Nation.

In the matter of the application of Jef Rowe for the enrollment of himself and three children as Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jef. Rowe.
Q How old are you? A 36.
Q What is your post office? A Wyner.
Q In what district do you live in? A Ceoweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to have enrolled besides yourself? A Three children.
Q Give me their names? A Grant.
Q How old? A 19 years.
Q Next? A Viola.
Q How old? A 17 years.
Q Next? A Leola.
Q How old? A 16.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A No, sir.
Q Is your name on any of the rools of the Cherokee Nation?
A On the 1896 roll and the Kern roll.
Q Did you draw strip money? A Yes, sir.

Kern Clifton roll examined and the name of applicants found as follows:
Page 130 No. 3244, Jeff Rowe, Ceoweescoowee district.
Page 130 No. 3246, Grand Rowe "
Page 130 No. 3247, Viola Rowe, "
Page 130, #3248, Leola Rowe, "

Q What is your father's name? A Dan Rowe.
Q Is he living? A No, sir.
Q Your mother's name? A Harriett Rowe.
Q She living? A No, sir.
By Mr. Smith: How old are you? A 46.
Q Were you a born slave yourself? A Yes, sir.
Q Who did you belong to? A Lewis Rass, Chief John Rass' brother.
Q Was he a Cherokee citizen? A yes, sir.
Q Recognized citizen? A Yes, sir.
Q Where were you after the war commenced? A On Grand river in the Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where to? A Kansas.
Q When did you return her? A April of '66.
Q Who was with you? A Some soldiers and an Indian by the name of Carter, I disremember his given name, seems like it was Dick.
Q What year? A April, '66.
Q What point did you come to then? A Fort Gibson.
Q How long did you remain there? A Until in September.
Q Where do you live now? A On Big Creek.
Q How long have you lived there? A Since '78.
Q Are these children you named all living with you? A Yes, sir.
Q What is your wife's name? A My first wife was named Betty, she is dead.
Q Was she the mother of all these children? A Yes, sir.
Q Of all of them? A Yes, sir.
Q Where were you and Betsy married? A At Fort Smith on the steam boat, she was chamber maid and I was cabbin boy.
Q When were you married? A In '75.
Q Were you married by a preacher? A Yes, sir.

Q Who? A Peter Conway, he is dead, he lived at Van Buren.
Q Have you a certificate of your marriage? A No, sir.
Q Is there any one here who knew yo r first wife while you and she were living together? A Yes, sir.
By the Commission: What was your first wife's name when you married her? A Walker.
Q Was she a citizen? A No, sir, a state woman.
Q What was your present wife's name when you married her?
A Webber, Harriett Webber,
Q Is she living? A Yes, sir.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled A Yes, sir, we are separated now.
By Mr. Davenport: You come to Big creek in 1880 didn't you?
A No, sir, I come there in '66.
Q When did you go there to live? A Latter part of November, '66.
Q Have you been living there ever since? A No, sir.
Q How long have you been living there the last time? A Ever since '79.
Q Before that you were in Fort Smith, Arkansas? A Yes, sir, near there and on the river.
Q And before that you lived in Camden, Arkansas? A No, sir.
Q What year were you marrie: ? A '74.
Q Were you not married at Camden, Arkansas? A No, sir.
Q You were at Little Rock after you were married, how long did you stay there? A I was there going to school, that was before I married, I was there going to school three terms, I was there 9 months in '72, 9 months in '73 and 5 months in 74.
Q What school did you go to there? A the Freedman high school.
Q Before you went to Lightning Creek, where had you lived?
A Up until '69 I was in the Cherokee Nation, part of the time on Big Creek and on Coal Creek and in the Strip.
Q You have a daughter named Mary? A Yes, sir.
Q Where were you when she was born? A At Fort Smith, I was on the land there that was in the Cherokee Nation, right down where the Missouri Poific Depot is now, near there, there is a saw mill or something there now, a place where they make furniture.
Q When your daughter mary was born, had your wife lived in the Cherokee Nation at all? A Yes, sir.
Q What year was he born in? A '75.
Q Where had you lived in the Cherokee Nation between '74 and '79?
A We lived part of the time on this steam boat and part of the time at Fort Smith where the Cherokee Nation runs in there, there is a chair factory there, where the depot stands now, this side of Campbell LaFlore's.
By The Commissioner: Where were you born? A In the Cherokee Nation.
Q What Part? A On Grand river, in Saline district.
Q Your father took you out of the Cherokee Nation during thew ar did he? A Yes, sir.
Q You married the first time in '74? A Yes, sir, and the last time in '93.
Q How long did you run on the river afteryou married the first time?
A We was on the river when we married and was running on there until '79 off and on.
Q Did you then come to Big Creek? A Yes, sir.
Q You and your wife were running on the river together?
A Yes, sir, she was maid and I was the cabbin boy.
Q On the Arkansas river? A Yes, sir.
Q What was the name of the boat? A The New Area, Captain Keeler's boat.
Q Was that your only occupation from '74 until '79? A Yes, sir, except cutting wood when the water was not high enough to run the boat.
Q Where was your wife living then, when you were cutting wood?
A In the Cherokee Nation, there at Fort Smith.

Q There Cherokee Nation don't run up to Fort Smith does it?
A Yes, sir, right back of the old garrison.
Q How much of it? A Not much, the corner is right there some where by Campbell LaFlore's house:

By Mr. Davenport;

Q Campbell LaFlore's place is in the Choctaw Nation isn't it?
A They join right there.
Q Don't you know that there is not a place half as big as this tent there in Fort Smith that is a part of the Cherokee Nation?
A There is quite a strip there.
Q And you lived right there on that strip did you? A Yes, sir, I never paid any taxes at all, and I know I lived there in the Cherokee Nation because I did not have to pay taxes.
Q The Choctaw Nation line is right there also? A Yes, sir.

By the Commission: If a steamboat man lived on the Arkansas river and run on the river all the time he didn't have to pay taxes as a feneral rule did he? A No, sir, but I didn't pay taxes when I was living in town.

By Davenport: Not many of the niggers down there pay taxes do they? A I don't know.

By Smith: where did this steam boat run from? A Little Rock to Fort Gibson; it run up to Fort Gibson whenever the river was high enough.
Q What was the boat you were Cabbin boy on? A I run on several the last boat I run on was the Bodder City and then I run on the Jennie May and on the New Area.

By the Commission: Did you carry passengers on these boats?
A Yes, sir.
Q Stern wheel boats or side wheel? A Stern wheel.
Q How many cabbin boys did they usually have on these boats?
A I was the only one that was on the ones I was on.
Q Didn't do much passenger hauling did they, more of a freight boat wasn't it? A Yes, sir, and the time I was on the Border City I was a deck hand.
Q You were more of a roust-about than a cabbin boy then?
A Yes, sir.

ABRAHAM HAIR, called and sworn as a witness for the applicant; By Smith:

Q What is your name? A Abraham Hair.
Q What is your age? A 77.
Q Where do you live A At Wymer.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Jef Rowe? A Yes, sir.
Q How long have you known him? A Ever since he was a child.
Q Was he a slave? A His father was, he was too small, he was born----
Q Who did he belong to before the war? A To Ross.
Q Which Ross? A I can't call his first name.
Q Where was he when he was a little boy before the war?
A They were down there in the Ross settlement.
Q When did you first see this applicant in the Cherokee Nation after the war? A I saw him in '66, fall of '66, after the war.
Q Where? A Here on Grand river.
Q On what part of Grand river? A What settlement or neighborhood?
A Down by McNairs.
Q How long was he in the settlement? A Not very long, 2 or 3 weeks.
Q When did you next see him after that? A Well it was quite a while after that that I saw him, long in the winter.
Q Where was he then? A It his father's on Big Creek.
Q Where was Big Creek and at what point on Big Creek? A Cherokee Nation, and right where Tuck Sanders lives now.
Q In the Cherokee nation? A Yes, sir.

Q Do you know where he lives now? A Yes, sir.
Q Where? A Up there.
Q How long has he been living there? A 15 years or more, I think.
Q Do you know how long he has been living there? A Not absolurely the years, but about that I think.

By the Commission. Who was with him when you saw him in '66?
A With some parties were in Price's raid.
Q Was his father and mother with him then? A His father was.
Q How old was Jess then? A You mean Jeff?here?
Q Yes, this fellw? A He was 6 or 7 years old then, not more than 8; he was a small boy in the Price's raid.
Q Was his mother living up there on Big Creek? A No, sir, she was dead.
Q Were they living in a house? A Yes, sir.

By Smith: Did you know this man's first wife? A Yes, sir.
Q How long has she been dead? A 10 years.
Q Did you know his children? A Yes, sir.
Q Was his first wife the mother of them? A Yes, sir.
Q Did she and this applicant live together there? A Yes, sir.
Q They were man and wife, were they? A Yes, sir.

By Davenport You don't know where his children were born?
A One was born there.
Q The others wasn't ? A No, sir.
Q There were several years after the w r that you didn't know where he was? A Yes, sir, after this boy's father's going after him from Price's raid--he persued this boy and brought him back home.
Q How far did you live from him up there? A mile.
Q Are you on the roll of1880? A I ought to be I don't know.

By Commission: Do you know where hewas taken to before the war?
A On Red River.
Q In Texas? A yes, sir.
Q Who took him there? A Price's raid.
Q How do you know that? A I was after him and know it.
Q You were after him? A Yes, sir, I was a soldier on the other side and when he made the raid we followed him.
Q You didn't catch him did you? A No, sir, he took my sister and the boy with him and they sold her, if I had known it I would have gone after her then.

By Davenport: He gave you fellow a warm reception over the Arkansas line didn't he? A Yes, sir, he did.

MOSE HARDRICK, called and sworn as a witness for the applicant: By Smith:
Q What is your name? A Mose Hardrick.
Q Where do you live? A On Pryor's Creek.
Q How long have you lived there? A 18 years.
Q How long have you lived in the Cherokee Nation? A All my life i n the Cherokee Nation up to the war and then back here af er the war and up to now I lived here ever since.
Q How old are you? A About 71.
Q Do you know this applicant here, Jef Rowe? A Yes, sir.
Q How long have you known him? A Always.
Q Was he a slave beforethe Civil war in the Cherokee Nation?
A Yes, sir.
Q Who was his owner? A Lewis Ross, an Indian.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Wherewas this applicant when the war commenced? A On Grand river.
Q Who was he living with there? A Lewis Ross and Indian.
Q Was he taken out of the Cherokee Nation during the war? AYes, sir
Q When did you first see him in the Cherokee Nation after the war ?
A In the fall of '66 when his uncle brought him from Fort Gibson.
Q Where did he bring him to? A Grand river to his place.
Q How long did he stay there? A I don't know.
Q When was the next time you saw him? A Waite a while after, he

left there to go to his father's.
Q You don't remember how long he staid there after the fall of '66 when he came, in that neighborhood? A No, sir, not a great while though, till his uncle taken him to his father's on Big Creek.
By the Commission; Did you know his wife? A No, sir.
Q You don't know his children? A No, sir, none but two.
Q Which two? A One called Mary and a boy, I has forgot his name.
Q Where was Mary born? A I don't know, sir.
Q Were you taken out of the Cherokee Nation yourself during the war?
A es, sir.
Q Where to? A Fort Scott, Kansas.
Q Was any of General Price's force there? A Not then, I saw him in '64,
Q Who took this boy away do you know? A They said that one of Prices' Generals took him, one they called Soloman I believe; they made a raid up there where the negros was and got him and a lot others.
Q Where was that? A Up in Kansas near Fort Scott.
Q Did you see him up there? A Yes, sir.
By Smith: Where did this Price come in at, I didn't hear what you said about that? A He got him on Lost Creek above Fort Scott in '74.
Q Where did he take him to? A The last I saw of them was when we was chasing them down south.
Q Was Price running off a lot of slaves from up there? A Yes, sir, and this boy was one of them.
By Commission: Was Price fighting in Kansas in '64? A Yes, sir.
Q Was Price up around Fort Scott then? A I didn't see him to know him but General Blunt said it was General Price that was making the raid.
Q You were in Blunt's army were you? A Yes, sir.
Q There was not muh of a fight in Kansas between you and Price in '64 was there? A No, sir, not much.
Q This boy had been taken up to Kansas from the Cherokee Nation before the war and then Price made a raid up in through there and took him south, is that it? A Yes, sir.
Q And you fellows followed him? A Yes, sir.
Q Did General price charge on Fort Scott? A No, sir.
Q Did he try to? A No, sir, he was just raiding around there.
Q And he got this boy while he was on the march? A Yes, sir.
Q Price went round and hunted him up and took him with him?
A Yes, sir.
By Smith: All that you knew of it being General Price is what they told you at the time? A I saw him and his men, and the said it was General Price and his Generals and men.
Q You wasn't personally acquainted with Price were you?
A No, sir, I didn't know him.
By Commission: You didn't want to know him very well did you?
A Well we followed him.
Q You didn't get him though did you? A No, sir.
Q The war w asn't over in '64? A No, sir.
By Davenport: Did ou ever see Jeff on the Stewart farm on the Marmaton river? A No, sir.
Q You don't know where Nelson Murrell was living then?
A He was with us fighting.
Q When you speak of '64 that he was taken south, do you mean 1864?
A Yes, sir.
Q He was then t aken south? A Yes, sir.
Q You don't know just where? A No, sir.
Q How did he get up there to Fort Scott first? A They carried the Rosses and those negroes up there and took him to Fort Scott.
Q Which Rosses? A Chief John Ross, Lewis Ross, Allen Ross, and Bill Ross.
Q And they took them up there? A Yes, sir.

Q Did Chief John Ross stay there? A No, sir, they left the colored folks there for a few days and took Chief Ross to Leavenworth.
Q You don't know where this applicant has lived since the war?
A No, sir.

By Mr. Smith of the applicant:

Q What is your oldest child's name? A Mary.
Q Is she married? A Yes, sir.
Q Who to? A Jesse Beason.
Q Has she any children? A Yes, sir.
Q How many? A 4.
Q What are their names? A Sanford, Clifton, Mercy and I can't think of the baby's name.

By Com'r Needles: Jef Rowe applies for the enrollment of himself and three children, namel, Grant, Viola and Leola; their names are not found in the authenticated roll of 1880 or the census roll of 1896, but is identified on the Kern Clifton roll as well as his three children. He avers that he was a slave of one Lewis Ross, and was taken out of the Cherokee Nation during the war, and returned in the fall of 1866, and that he was married to one Betsy Webber, a non citizen, who was the mother of the three children for whom he applicant; she is now deceased and he has gain married. He present s no certificate of marriage but presents testimony in order to prove a common law marriage. He has no certificate of marriage but states that he was married by a preacher and makes no proof of marriage but presents personal evidence as to his having lived with his wife as man and wife, and through said cohabitation said three children were born. Consequently he and his said three children will be listed for enrollment as Cherokee Freedmen on a doubtful card and he will be notified in due course of mail by the Commission when they arrive at a final decision in this matter.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Fiv Civilized Tribes he reported in full all the proceedings in the above cause and that the same is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 26th of June, 1901, at Nowata, I. T.

(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

J. O. Rosson

Subscribed and sworn to before me this August 24th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 27 1901

ACTING CHAIRMAN.

To be filed with case of Jesse Beeson, C. F. D.#783.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Mary Hudson for enrollment as a Cherokee freedman; said Hudson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Eaton.
Q How old are you, Mary? A I don't know my age.
Q Well, about how old? A About 30 I guess.
Q What is your post office? A Centralia.
Q What district do you live in? A In Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Three boys, children is all I have got.
Q Are they under age? A No, sir, they are of age.
Q All over age? A Yes, sir.
Q All over 21? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, it is on the Wallace roll and Clifton roll.
Q Are you married? A I ain't now, I have been.
Q What was your husband's name? A My last husband?
Q Yes. A His name was Peter Hudson.
Q Are you Peter Hudson's wife now? A No, sir.
Q Is Peter Hudson living? A Yes, sir, but we don't live together.
Q Did you draw this strip money while you were married to Peter Hudson? A Drawed money?
Q D d you draw strip money? A Yes, sir, drawed the Wallace money.
Q That is all the money you ever drew? A Yes, sir.
Q Under what name did you draw it? A Hudson.

The 1880 authentucated, the 1896 census and the Kern-Clifton rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2461, Mary Hudson, Cooweescoowee district.

Q Well, you haven't been married to anybody since you left Hudson?
A No, sir.
Q Well, your name is Mary Hudson? A Yes, sir, by my husband; but I thought you was asking me about my owners.
Q Now, Mary, were you a slave? A Yes, sir.
Q To whom did you belong? A Susie Eaton.
Q Was she a Cherokee citizen, Indian by blood? A Yes, sir.
Q Where were you born? A I was born back in the old Nation.
Q When did you come to the Cherokee Nation the first time?
Q Why, it was, I was small when they come, I was a baby, but I have heard my old Mistress say that they come as old Settler.
Q You come along with your old Mistress when she come?
A Yes, sir.
Q Now, then, did you go out of the Cherokee Nation during the war between the North and South? A Yes, sir.
Q Where did you go to? A I went south.
Q How far south? A I was taken down there.
Q Where to, Texas? A Yes, sir, down there about Boggy Depot.
Q In the Choctaw Nation? A Yes, sir.
Q Well, when did you come back? A I come back in '66.
Q Who did you come with? A I come with my Miss I had then but the man that we come out with I don't recollect his name; there was a good many of them come out at that time, I don't recollect what their names was.

Q Where did you come to? A I come, when I come there; up in there I come to Fort Gibson.
Q You come when you come from Boggy Depot down there in the Choctaw Nation you come to Fort Gibson A Yes, sir.
Q Well, have you been living in the Cherokee Nation ever since that time? A Yes, sir.
Q FortGibson is in the Cherokee Nation is it? A Yes, sir.
Q Well, did you marry after that? A Yes, wir.
Q Who to? A Peter Hudson.
Q Was Hudson the only man you were ever married to? A No, sir, my first husband that I have got his name was John Beason.
Q Where did you marry John? A I married him down south.
Q That was during the war? A No, sir, just after the war.
Q You married him before you came back to the Cherokee Nation? A Yes, sir.
Q Did he come with you? A Yes, sir.
Q Is he living? A I don't know, sir.
Q Well, who did you marry after that? A Peter Hudson.
Q Have you married anybody since yom married Peter? A No, sir.
Q just had two husbands? A Yes, sir.
Q Peter and you separated? A Yes, sir.
Q He has married again? A Yes, sir.
~~Q Have you got any witnesses here? A Yes, sir.~~
Q Who? A I got Mr. Grimmett and Abe Hair.

By Mr. J. S. Davenport, Cherokee Representative:

Q Mary, where were you living when you can first recollect?
A I lived in Going snake Distriot.
Q Whom were you living with at that time? A I was living with Susie Bean.
Q well, did you ever live with any of the Hilderbrands? A Yes,sir, I lived up there at Hilderbrand's Mill with one of her daughters.
Q Now, Hilderbrands didn't go south with you when you went south? A No, sir, I was sent south.
Q Did you know a man by the name of Aldridge that lived down in Texas? (No response.)
Q This was just before the war broke out, a short time before the war broke out; he lived somewheres about Grayson County, Texas? A I don't know.
Q Well, did you know any Ezekiel Beck ~~xxx xxxxxx~~ in the Cherokee Nation? A Yes, sir.
Q Did you know that Ezekiel Beck had something to do with the winding up of the Hilderbrand estate? A No, sir.
Q Don't you remember that Ezekiel Beck sold you to a man by the nqme of Aldridge and you were carried off to the State of Texas before the war broke out? A No, sir.
Q Did you know a man by the name of J. W. Ellis; he married Susan Eaton, a relative of the family here, Joshue Ellis? (No response.)
Q Did you know that man Joshua Ellis A I disremember.
Q Well, did you ever live with a man or know anybody in Texas by the name of John Beeson, as your husband in the Cherokee Nation? A Yes, sir.
Q Well, now, I will ask you if you and John Beeson didn't come to this country and wasn't you brought here by J. W. Ellis? A No, sir.
Q Didn't you come with J. W. Ellis when he came to this country? A I don't know his name, sir.
Q Didn't you come with a man by the name of Ellis?
Q I don't know his name; I am telling you the truth.
Q Did you come with a white man to the Cherokee Nation back from Texas when you and John Beeson came? A Yes, sir.
Q John Beeson came with you? A Yes, sir.
Q You had three children at the time? A Yes, sir.
Q Do you know about how old they were? A No, sir, I don't.
Q Well, new, did you and John Beeson have any children botn at the breaking out of the war? A I had one.

Q Well, now, you remember living in Texas, don't you, where was that child born that you had born at the breasking out of the war? A He was born down there.
Q Down where, Texas? A Down South, I don't know whether it was Texas.
Q You know when you lived in Texas? A I recollect it.
Q You remember you lived in Texas, whether it was Grayson County or not? A I don't know what county it was.
Q You don't know what town you lived near? A No sir.
Q Don't know where you got your mail? A No, sir
Q You know that you and Beeson were livingtogether as husband and wife when you came to the Cherokee Nation? A Yes, sir.
Q And you were living with some what man when you came back to the Cherokee Nation? A Yes, sir
Q That was about the year 1871? A I don't know.
Q That was the first time you had been back to the Cherokee Nation, the time you came with Beeson and the white man? A I disremember, that has been a long time and I don't recollect; they told me it was '66, I don't know anything about it.
Q Have you ever made more than one trip from Texas up the Cherokee Nation since the war? (No response.)
Q Since you came up with that white man have you ever gone back after that? A No, sir.

By Com'r Needles: Now, Mary, you were married to John Beeson down there down south? A Yes, sir.
Q Well, you were ~~xxxx~~ grown of course when you married him?
A Yes, sir.
Q Now, don't you recollect whether that was in Texas or not; recollect whether thatwas in the State of Texas? A Well, give me a little time, let me think back; I recollect I was to a place where Texas, but I don't redollect the county.
Q Was there where you were married to Beeson? A Yes, sir, I had him there.
Q Well, now, when you come up here to the Cherokee Nation the first time did you ever go back there? A No, sir.
Q You only come up once? A Yes, sir.

By Mr. Davenport: Mary, did you know who the man's wife that came with you from Texas was before she was married? A No, sir.
Q You didn't know that she was Frankie Alberty before she was married? A No, sir.
Q And that she was a sister to Susie Eaton? A No, sir.
Q Didn't you know that the man wife that come back with you from Texas was Frankie Alberty, a sister to Susie Eaton to whom you formerly belonged? A I don't know, no, sir.

By Com'r Needles: You did come back with a white man did you, Aunt Mary, you don't recollect what his name was? A No, sir.
Q Was he married? A Yes, sir .
Q Did he have a family? A Yes, sir, he was only coming out and I wanted to come and had wanted to come and I had no way to come, and this man was going, he said where he lived andsaid he was coming and John Beeson got him to bring me.
Q Did John come with you? A Yes, sir.
Q Is John dead? A I don't know.

ABRAHAM HAIR, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q Mr. Hair, what is your name? A Abraham Hair.
Q Your post office? A Wimer.
Q How old are you, Mr. Hair? A About 77 years old.
Q Are you a Cherokee Freedman? A Claim to be, sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Do you know Mary Hudson, the applicant here, or Mary Eaton?
A Yes, sir.
Q How long have you knew her? A Well I guess about 2o years or more.

Q Did you know her before the war between the North and South?
A No, sir, I knowed her mother.
Q What was her mother's name? A Rachel Eaton.
Q Where did her mother live? A Lived on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether Mary Eaton here was a slave or not?
A Yes, sir.
Q To whom did she belong? A Belonged to Susie Eaton.
Q She was a Cherokee citizen? A Yes, sir.
Q Well , did Mary go out of the Cherokee Nation during the war?
A Yes, sir.
Q Where did she go to? A Went to Texas.
Q Were did you first see her after the war? A After the war?
Q Yes. A First saw her on Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q What year was that, do you know? A Winter of '66.
Q Winter of 1866? A Yes, sir.
Q Whom was she with when you saw her? A She was living there with some of her acquaintances, her man had left her.
Q Her husband had left her? A Yes, sir.
Q Who was he? A John Beeson.
Q ~~Did you know John Beeson? A No, sir.~~
Q Didn't know John Beeson? A No, sir.
Q He left her there on Lightning Creek? A Yes, sir.
Q How do you know that was '66? A Only the statement Isall I had.
Q Who made the statement? A The folkd there.
Q Said it was '66? A Winter of '66.
Q Did you go out of the Cherokee Nation during the war? A Yes,sir.
Q Q Where did you go to? A Well I went out with the soldiers, I went to Springfield, Missouri, and from Missouri to Kansas, and from Kansas back here and backwards and forwards up and down this road.
Q What time did you land back here? A Well I was here the whole time.
Q During the whole of the war? A Yes, sir.
Q And you are confident you saw Mary Eaton here in 1866 on Lightning Creek? A Yes, sir.
Q You knew her mother you say? A Yes, sir.
Q What was her name? A Rachel.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A She belonged to Eaton.
Q Was her mother taken out of the Cherokee Nation during the war, do you know? A That I don't know; I know she died here.
Q How do you know that Mary was taken to Texas? A Well, she told me.
Q Have you known her ever since that? A Yes, sir.
Q Has she always lived in the Cherokee Nation ever since that time?
A Yes, sir.
Q Did you know of her going back to Texas after she come? A No, sir.

By Mr. Davenport: You didn't know her at all before the war, did you? A Not this woman.
Q How did you know to whom she belonged to? A Her mother tole me.
Q I am not asking you what she told you, you don't know it of your own knowledge? A No, sir.

By Com'r Needles: You say you didn't know Mary before the war?
A Knowed her mother.
Q And you didn't know her? A No, sir.

By Mr. Davenport: You don't know whether Mary was living with her mother at the breaking out of the war or not? A No, sir, she was living with her owner her mother said.
Q I am not asking you about what her mother said; her mother isn't living now? A No, sir.
Q You never saw Mary on Lightning Creek in 1866? A I saw her in '66, winter of '66.

Q You knew when '66 come? A No, sir.
Q Now on what part of Lightning Creek did you know her?
A Ransom Daniels'.
Q Don't ~~know~~ you know that Ranson Daniels didn't live there in 1866? A No, sir.
Q Don't you know that Ransom Daniels didn't move from Grand river over there? A No, sir.
Q Now, then it was after Ransom Daniels moved from Grand river over there? A Yes, sir.
Q You knew who her husband was? A No, sir.
Q You knew John Beeson? A No, sir.
Q When you first saw her how many children dhad she? A Well, she had all she has got now, I forget how many there is, she h d four or five children.

MARY HUDSON, the applicant, recalled: By Com'r Needles:
Q How many children you got living now? A Three.
Q What are their names? A William and Jesse and the oldest two I got is Jonathan and Augustus.
Q They are all living? A Yes, sir.

BEN GRIMMETT, being sworn and examined by Commissioner T. B. Needles, t estified as follows:
Q What is your name? A Ben Grimmett.
Q What is your age, Mr. Grimmett? A I am about 60 or 65.
Q What is your post office? A Nowata.
Q Are you a recognized Cherokee Freedman? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Do you know the applicant here, Mary Hudson, or Mary Beeson?
A Yes, sir.
Q How long have you known her? A Well, I have knowed her; I have been knowing her all the time.
Q Well, did you know her before the war between the North and South?
A Yes, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Eaton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Did you know her mother? A Yes, I have seen her.
Q Did you know her mother's name? A No, I didn't know her but I have seed her.
Q Where did Eaton live before the war? A Lived in Goingsnake.
Q Well do you know whether Mary Beeson was taken out of the Cherokee Nation before the war? A No, I don't know that, but she was taken out though.
Q You heard she was taken out? A Yes, sir.Q You don't knew where to? A Texas.
Q Do you know where she was ever married or not? A Yes, she married Hudson.
Q Well do you know whether she was ever married before she married Hudson? A Well I have heard of it.
Q Did you know a man by the name of John Beeson? A Yes, sir.
Q Reputed to be her husband? A That is what it was said.
Q Well, now, when was the first time you saw Mary after the war between the North and South? A The first time I see her I seen her to her daddy's, Jim Beck, at Fort Gibson.
Q When was that? A Well it was in the summer somewhere in the spring of '66.
Q Was her father's name Jim Beck? A Yes, sir.
Q You saw her at Fort Gibon in the summer of '66? A Yes, sir.
Q You knew her before the war did you? A Yes, sir.
Q Well, now when you saw her in '66 did you know her and recognize her? A Yes, sir.
Q Who was she with? A Well she was there to her daddy's I don't know who ~~xx~~ she was with.

Q Was her daddy living there? A Yes, he was living there.
Q In a house? A Yes, sir.
Q Well, have you known Mary since that time? A Yes, sir.
Q Has she lived to your knowledge in the Cherokee Nation ever since '66? A Yes, sir.
Q How did you know that it was '66, Ben? A Well the reason I know it, when I see people just after I come I know what time I come and pretty soon I seen her.
Q You knew that you had come here in 1866? A Yes, sir.
Q You didn't know anything about her while she was in the State of Texas? A No, sir.
Q Don't know who took her to the State of Texas? A No, sir.
By Mr. Davenport: You don't know when she went to Texas either do you Ben? A No, sir
Q You don't know where she was living when the war broke out do you? A She was living in Goingsnake.
Q Did you know whatof your own knowledge? A She was living there.
Q Well, I want you to say whether she was or was not positively of your own ~~ox~~ knowledge in Goingsnake district? A Well, she was there at the beginning of the war; must have been, I used to see her along, they was running the colored people so.
Q How far did you live from them before the war? A I guess I lived about 15 miles I guess or maybe further.
Q Where were you living ? A I lived in Flint.
Q At what place? A With Grimmett, Flint district.
Q What Grimmett? A Billy Grimmett.
Q Did you ever know a man by the name of Ezekiel Beck? A Yes,sir.
Q He lived up there in that country didn't he?
A Not as I know of, that Beck.
Q Well, did you ever know a man by t he name of Hilderbrand, Avra or such a name? A Yes, sir, I have heard of them.
Q Now, this woman belonged to that estabe at one time didn't she?
A I could not tell you that.
Q Well who did she belong to when you first saw her? A Eaton.
Q What one of the Eatons? A I could not tell that, she went by the name of them.
Q She belonged to Susie Eaton didn't she? A I guess she did.
That was some time before the war broke out wasn't it?
A Yes, sir
Q Now, you never knew anything of this woman from the time the war broke out until you saw her at Fort Gibson? A No, sir.
Q When you saw her at Fort Gibson did she have any children?
A I could not tell that so many colored people there.
Q You had a talk with her there about where she had been?
A No, sir, I never asked her.
Q Did she have a husband at that time? A She must have.
Q I am asking you what you know about it? A I tell you the fact about it, I see a good many people coming in and we shake hands and didn't talk at all.
Q You dould be mistaken that it was in 1866? A No, I know I come in the spring of '66 and I think s that about when I see anhbody in side of the spring of '66 that is what I go by.
Q Well, now, did you ever know Joshue W. Ellis, before the war?
A No, sir.
Q And you didn't know where this applicant went of your own knowledge? A No, sir.
Q When was the next time you saw her after you claim to have seen her at Fort Gibson? A Well I tell you after that when I seed her I seed her on Big Creek.
Q Well how long was it after you saw her at Fort Gibson until you saw her on Big Creek? A I could not say that for certain.
Q Well, was it five years, six years, about how long?
Q About a year I guess or maybe longer.

Q The fact is you don't know much about this case, do you Ben?
A Not a great deal.
Q You just wanted to fix it as '66 you saw her down there at Fort Gibson? A Yes, sir.
Q All you were driving at was that you saw her down here in '66?
A Yes, sir.
Q Now, you know that she was sold to a man by the name of Aldridge before the war, didn't you? A No, sir.
Q You don't know who she belonged to before the war do you?
A No, sir.
Q And you don't know whether she was in the Cherokee Nation at the breaking ojt of the war or not, did you? A I don't know.
Q Ben, you are the fellow that has had some trouble down here at Tahlequah about the courts? A I could not tell you that; that is a thing I won't answer.

By Com'r Needles: Now, Mr. Grimmett, you knew the owner of Mary Hudson? A Yes, sir.
Q Did you know his slaves at that time? A She was a slave at the time.
Q Did she have other slaves? A Had a good many.

By Mr. Davenport: Can you remember the names of any other slaves he owned but this woman? A No, I don't know anything about it.
Q How does it happen that you just remember this woman and don't remember any other ones of them? A I remember her, but I don't know it was so long, I don't keep account, don't hardly know my own children.

MARY HUDSON, the applicant, recalled:

By Mr. Davenport; Mary, which is your oldest ch ld? A Mariah.
Q Where was Mariah born? A She was born down South.
Q In Texas, Arkansas or where? A In Texas.
Q What was the next one? A These two children, do you want all of the children?
Q All of them I want to get their ages as near as I can?
A Well you can get their ages if you will look on the Wallace roll.
Q I would rather take your word for it then the Wallace roll?
A I don't know their ages.
Q The next one after Mariah where she it born and its name?
A well, now, I can't tell you, it was born South.
Q What is its name? A Jonathan Augustus.
Q He was born south? A Yes, sir.
Q Now, which is the next name to John? A Elizabeth.
Q Where was she born? A Down south.
Q Well where was William Born? A I forget.
Q Is the naxt one to William Jess? A No, I had one next to Jess named Susan and she died and Susan come next.
Q Where were you living when Susan was born? A I was living on Big Creek.
Q Where was Jess born? A Jess was born in Goingsnake.
Q Before or after the war? A After the war, all of them was born since peace.

By Com'r Needles: You say, Auntie, all of your children were born since peace? A Yes, sir.
Q But three of the oldest ones were born when you lived down South that was in the State of Texas? A I don't know what state it was.
Q You never lived in but one place down South did you? A No,sir.
Q And they called it Texas? A Yes, sir.
Q And your three oldest children were born there? A Yes, sir, not far from Red River; you know there is an I dian Nation now, what do you call that?
Q Choctaw Nation. A Born not far from that on the wouth side of the Red River.

By Mr. W. W. Hastings, Cherokee Representative:
Q I would like if you can be positibe where Was Willie born?
A I can't think of it.
Q Do you know how old John is? A No, sir, I can't tell my children's ages, I don't know how to count or anything like that.
Q How many children did you bring up with you from Texas when you came back after the war? A I think it was two, I think.
Q One died down there? A No, she died over on Big Creek, just before the Wallace, and three of them died.
By Comlr Needles: Did you ever have any to die in Texas?
A No, sir, they three of them died on Big Creek.

Com'r Needles: Mary Hudson applies for the enrollment of herself. She cnannot be identified upon the authenticated roll of 1880 or census roll of 1896 or the Kern-Clifton pay roll, but is identified upon the Wallace roll according to the page and number of the roll as indicated in the testimoney. She avers that she was a slave and that she returned to the Cherokee Nation in the year 1866. Reference is made to the testimony. She makes satisfactory proof as to residence and will now be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting further consideration of the Commission. The final decision of the Commission will be make known to her by mail.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 1st day of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental, D-764, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 19, 1901.

In the matter of the application of Mary Hudson et al. for enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:
Applicant present in person;
J. S. Davenport, of Counsel for Cherokee Nation.

LUCY HILL, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Lucy Hill.
Q What is your age? A I guess I am about 50 years old.
Q What is your post office? A Nowata.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Do you know Mary Hudson? A Yes, sir, she is my sister.

Q Was she a slave before the war between the North and South?
A Yes, sir.
Q To whom did she belong? A She belonged to the Eatons.
Q Did you and her belong to the same family? A No, sir, I belonged to the Becks.
Q Did she go out of the Cherokee Nation during the war or before that time? A Yes, sir.
Q Where did she go? A I can't tell, but she went south.
Q You don't know whether she went into the state of Texas or not?
A No, sir, I don't know whether she did or not? A Did you ever hear? A I heard of her on Red River.
Q On which side of Red River? A This side of Red River.
Q When did she return to the Cherokee Nation? A I can't tell just when she returned.
Q When did you see her? A I seen her on Big Creek, about 25 years ago, I gues , or more.
Q Is that the first time you saw her after the war? A Yes, sir, that was the first time I see ner, but then I heard of her being here often.
Q That wa the first time you saw her after the war? A Yes, sir.
Q About 25 years ago on Big Creek? A Yes, sir.

Mr. Davenport: You don't know what time she went out before the war, do you, or whether she was in the country when the war began?
A Yes, sir, I saw her in the Nation time of the war, her mother and mine went to Texas together.
Q I am talking about this applicant; was she in the Cherokee Nation at the breaking out of the war? A Yes, sir, I think she was.
Q I want you to be positive? A I most know she was.
Q You don't really know where she was at the breaking out of the war? A I saw her at home at the breaking out of the war, where my father was.
Q At whose place was she at the breaking out of the war? A At the time we were getting ready to leave, I seen Mary at Becks old place in 7 or 8 miles of Helderbrand's Mill.
Q She at one time belonged to the Hilderbrand estate? A I don't know shoe she belonged to only just the estate.
Q Did you ever know a man named Ezekiel Beck? A Yes, sir.
Q Don't you know now Zeke Beck sold her to a man named Aldridge who took her to Grayson County, Texas, long before the war broke out?
A I don't know, sir, about that.
Q You don't remember anything about that? A No, sir.
Q Did you ever know a Joshua W. Ellis? A No, sir.
Q In order that you can remember, he married a sister of Susan Eaton
A I have heard of them, but I don't know them.
Q You don't remember anything about that? A No, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 26th of June, 1901.

(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original in said case.

Subscribed and sworn to before me this August 26th, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Jesse Beeson for the enrollment of himself, wife and four children as Cherokee Freedmen; said Beeson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jesse Beeson.
Q How old are you, Jesse? A 27
Q What is your post office? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Mary Rowe.
Q How old is she? A I don't know.
Q Have you got any children? A Yes, sir.
Q Do you want to enroll them? A Yes, sir.
Q How many children have you? A Four.
Q Give me their names? (Hands paper to Commissioner.)
Q What is the oldest one, Sanford? A Yes, sir.
Q How old is Sanford? A Seven years old I reckon.
Q What is the next one, Clifton? A Yes, sir.
Q How old is Clifton? A I don't know.
Q About five years old; what is the name of the next one, Mercie?
A Yes, sir.
Q About four years old? A I guess so.
Q The next one? A Christyann.
Q She is two years old? A Going on three I believe.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Mary Eaton.
Q Is she living? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Named Mary Hudson now isn't she? A Yes, sir.

BY COM'R NEEDLES:

Q Is your name on the roll of 1880? A I don't know.
Q What is your wife's father's name? A Jeff Rowe.
Q Is he living? A Yes, sir.
Q What is her mother's name? A I don't know her mother.
Q Is your wife's name on the roll of 0880? A No, sir, I don't think.
Q Is your wife's father been enrolled? A Yes, sir.
Q Is Mary your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Is Mary the mother of these children? A Yes, sir.
Q Are they all living at this time? A Yes, sir.
Q Where were you born? A Goingsnake District.
Q Live there all your life? A No, sir.
Q Where have you been living? A On Big Creek.
Q Always lived in the Cherokee Nation? A Yes, sir.
Q Where was your wife born? A I don't know.
Q Has she always lived in the Cherokee Nation? A Ever since I knowed her.

BY MR. HASTINGS:

Q Where did you say you were born, Jess? A Goingsnake District.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

BY COM'R NEEDLES:

Q How long has your wife's mother been dead? A I don't know sir.
Q Did you ever see her? A Yes, sir.
Q She has not been dead long has she? A I was a little bitty fellow:
Q Has your wife's father here? A He was this morning, I guess he is yet.
Q Did you draw any money from the Cherokee nation? A Yes, sir.

Q What mo ey? A Wallace.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant fou nd the eon, page 117, #2465, Jesse Beeson, Cooweescoowee District

Q Did your wife, Mary ever draw? A Yes, sir.
Q What money did she draw? A This last money.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 130, #3245, Mary Rowe, Cooweescoowee District.

Q Did you draw for any of these children? A No, sir.
BY MR. HASTINGS:
Q What were your wife's brothers and sisters' names? A Grant, Viola and Leola.

COM'R NEEDLES: Jesse Beeson applies for the enrollment of himself, his wife, Mary, and four children, to-wit: Sanford, Clifton, Mercie and Christyann. His name cannot be identified upon the authenticated roll of 1880 or centus roll of 1896 or the Kern-Clifton roll. He is identified upon the Wallace roll, and avers that he is a child of Mary Hudson who was listed for enrollment on Doubtful card #764, and the testimony taken in the matter of the applicati on of Mary Hudson will be made a part of the record in the case at bar and a copy thereof will be filed herewith. He avers that his wife, Mary, is the child of Jess Rowe, who was listed for enrollment upon doubtful card #690, and the t estimoney taken in the matter of the application of Jess Rowe will be made a part of the record in the case at bar and a copy thereof filed herewith. He avers that as a result of said marriage he has four children, Sanford, Clifton, Mercie, and Christyann, whose names do not appear u pon any of the rolls, consequently it will be necessary for him to file satisfactory proof of birth of said children. They make satisfactory proof as to residence, consequently Jesse Beesen and his wife, Mary Beenson, and his c hildren as en u merated herein, will be listed for enrollment as Cherokee Freedmen. He will be notified by mail of the deci sion of t he Commission in the premises.

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J. O. Rosson, beng first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true ne complete transcri pt of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to befo re me this 8th day of July, 1901.

C. R. Breckinridge

Commissioner.

File with case of Jesse Beeson, C.F.-D.#783.

Supl.C.F.-D.#764.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARY HUDSON as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. A. S. McRea, Attorney for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

ZEKE BECK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Zeke Beck.
Q Where do you live, Mr. Beck? A I live at Long Prairie, Delaware district.
Q What is your post office? A Kansas, I. T.
Q How old are you? A I am in my 66th year.
Q How long have you lived in the Cherokee Nation, Mr. Beck? A All my life; that is, I was born in Georgia.
Q And came here with the Cherokees, did you? A Yes, sir.
Q Do you know Mary Hudson, or who was formerly Mary Beeson, or Mary Eaton, the applicant in this case? A I knew one Mary Eaton.
Q When did you know her first? A Well, now, I could not say, I have known her ever since I known anybody nearly.
Q Well, to whom did she belong at the time you knew her?
A She once belonged to my grandmother.
Q Who was she? A Susie Eaton.
Q Well, who did she afterwards belong to? A Ary Helterbrand.
Q Where did Ary Helterbrand live? A She lived in the Cherokee Nation.
Q What became of the applicant, if you know, if she passed out of Ary Helterbrand's possession; just state what you know about it yourself? A Well, Ary Helterbrand died and I administered on the estate and sold her out.
Q What did you say? A I said when Ary Helterbrand died in 1858 I sold her.
Q To whom did you sell her? A I sold her to a man by the name of Aldred.
Q Where did Aldred live, Mr. Beck? A He said he lived in Texas but what county I don't recollect.
Q Do you know what his citizenship was, whether he was a citizen of the United states or cherokee citizen? A Well, I guess he was a citizen of the United states, I never knew him to live in the Cherokee Nation.
Q Well, do you know whether or not he took the applicant here, Mary, away from the Helterbrand place? A Yes, he took her away from there.
Q When did you next see her, if you have ever seen her?
A I have never seen her since.
MR. McREA: I understand you to say, Mr. Beck, that the woman you knew was named Mary Eaton? A Yes, sir.
Q And she belonged to your aunt? A Yes.
Q Now, when was it that you sold her as you claim? A Well, it was in the spring of '59.
Q For how much did you sell her? A I sold her for a thousand dollars.
Q And you sold her to a man by the name of Aldred? A Yes, sir.
Q And you don't know what his citizenship was? A He was a white man I guess, he claimed he lived in Texas.

Q Now, did you know of your own knowledge he lived in Texas?
A No, I didn't, only what he told me.
Q Now, do you know of your own knowledge that the Mary Hudson that has applied for enrollment here before this Commission is the same Mary that you sold in 1859? A I do not, I haven't seen her.
Q Would you know that same girl that you sold in 1859 if you would see her? A I don't know whether I would or not, it has been a long time.
Q Have you ever seen this Mary that you sold in 1859 in the Cherokee Nation since you sold her? A No, sir.
Q And you are positive that this Mary that you sold to Mr. Aldred, that he carried her to the state of Texas? A He carried her off of my place.
Q You don't know whether he carried her out of the Cherokee Nation or not? A No, sir.
Q Or do you know whether he sold her to any citizen of the Cherokee Nation? A No, sir.

COM'R NEEDLES: Did you know Susie Eaton? A Yes, sir.
Q Who was she? A She was my grandmother.
Q She was a Cherokee citizen? A Yes, sir.
Q Did she own this girl? A Yes, sir.
Q She was the woman whose estate you administered on? A No, sir, that was her daughter, Mary.

MR. DAVENPORT: Did she have more than one girl named Mary? A No, sir.

COM'R NEEDLES: You say you don't know what he did with her after you sold her? A No, sir.
Q You don't know whether he resold her or not? A No, sir.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A J. W. Alberty is the way I sign it.
Q Where do you live, Mr. Alberty? A I live in Goingsnake district.
Q How old are you? A 67 years old.
Q Did you ever know a colored woman, or girl, by the name of Mary Eaton? A Yes, sir.
Q Did you ever know her by any other name, or you just knew her by Mary Eaton? A Yes, she was in the division of the property, she went to Mary Helterbrand.
Q When was that, before or after the war? A Before the war.
Q Well, do you know where she was at the breaking out of the war, Mr. Alberty? A Well, no, I could not say where she was at the breaking out of the war; she was not in our country or anywheres near about that.
Q You spoke of a division of property what did you mean by division or property, division of what property is all I care for?
A Of the Eaton property.
Q Of whose property? A Susie Eaton.
Q And the daughter; she went to Mary Helterbrand? A Yes, sir.
Q Well, have you ever seen Mary Eaton, or whatever her name might be, since the war? A Yes, sir.
Q What was her name, if you know by what name she was known when you saw her after the war? A Mary Benson.
Q Do you know whether she had a husband after the war? A Yes, sir.
Q What was his name? A John Benson.
Q Where did you first see her after the war? A The first I saw of her, I met Mr. Aldred had been to Texas and met him going and met him again coming back, and he hollered and asked me if I knew that woman and he pointed the woman out to me, and I went to the wagon and saw who it was.
Q Who was it? A Mary Eaton, or Mary Helterbrand we called her

before she was married to a man by the name of Beeson, and he brought her up to our neighborhood and lived there three or four years.
Q That is the Beeson family or Mr. Ellis? A No, the Beeson family.
Q Did they have any children? A I think they had one or two, I don't recollect.
Q Now, when was that as near as you can tell, that you met Mr. Ellis? A It was in '72.
Q What was Mr. Ellis' first name? A J. W. Ellis.
Q Do you know his given name? A Josh Ellis.
MR. McKEA: Mr. Alberty, when was it you say you first became acquainted with Mary Hudson? A Well, I don't know her by that name at all.
Q Mary Eaton? A Mary Eaton; well in, I first become acquainted with her, it must have been about 1847 or '8; '41 or '2, when I was just a boy, she was raised in the neighborhood right where I was and I was raised in the neighborhood right where she was.
Q Was she a grown woman in 1847? A No, sir, she wasn't near grown when I first knew her.
Q Did I understand you to say that youknew of her having been sold before the war? A No, sir.
Q What did you say became of her during the war? A Well, she was in the division of what I call the property, she went to Ary Helterbrand; she was willed from Susie Eaton to Ary Helterbrand.
Q Willed from Susie Eaton to Ary Helterbrand? A Yes, sir, Susie Eaton was Ary Helterbrand's daughter.
Q What was Susie Eaton's citizenship? A She was a Cherokee.
Q Was Ary Helterbrand a Cherokee? A Yes, sir.
Q Well, do you know what became of her after she went out of the hands of Ary Helterbrand? A No, sir, only what I heard.
Q When did the division of the estate-? A Well, sir, it was in about '56.
Q How long after the division of the estate did Mrs. Sarah Helterbrand die? A Well, short time, it wasn't very long.
Q About the same year? A No, sir, only a short time, it was in '57 I guess.
Q Well, do you know who was the admini strator of the estate after her death? A Yes, sir.
Q Who? A Zeke Beck.
Q Well, was Mary, the applicant, still the property of the estate of Mrs. Helterbrand then, when Mr. Beck became administrator of the estate? A Yes, sir, I saw the advertisement, he made an advertisement to make a division of the estate.
Q After Mr. Beck became administrator of the estate you don't know what became of Mary? A No, sir, I saw he had her advertised for sale.
Q You don't know whether any sale took place? A No, sir, I guess there did, I never saw her any more.
Q That is your knowledge of it? A Yes, sir.
Q Now, where was it you first saw her after that in 1872?
A Well, you want me to tell the particular place?
Q Yes, sir. A Well, I met them on the road, on what is called the Fort Gibson road, down below my house about six or eight miles and he was coming in from Texas and he was very familiar and he hollowed to know if I knew those people.
Q Now, do you know where Mary Eaton was in 1866? A No.
Q Do you know where she was in 1877? A Yes.
Q Where? A She was right there in Goingsnake district in 1872.
Q Now, first ask you in 1867, do you know where she was?
A No, I don't know.
Q Did you know where she was in 1868? A No, sir.
Q Well, have you seen her in the Cherokee Nation since 1872?
A Yes, I saw her right there, she has lived right there about three, four or five years after I first saw her, lived right there neighbor to me.
Q Mr. Alberty, have you ever been arrested for anything? A No, sir.

J. W. ELLIS, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Ellis.
Q Where do you live, Mr. Ellis? A I live out here about ten miles on the Cofferville road.
Q What is your is your post office? A Vinita.
Q How old are you? A I am 77 years old.
Q Where were you living at the breaking out of the Civil war, Mr. Ellis? A I was living in Missouri.
Q Did you go south during the war? A Yes, sir.
Q To what state did you go? A I went into Wood County.
Q What state? A Texas.
Q How long did you reside in Texas after the war, Mr. Ellis? A Well, let me see, I came back to Fayetteville, Arkansas, in '68, I think, sir, as well as I recollect.
Q Did you ever return to Texas after that time? A Yes, sir, several times. Q While you were in Texas or back and forth to Arkansas and Texas did you get acquainted with a colored family by the name of Beeson? A I did, sir.
Q Do you remember the husband's name? A John Beeson.
Q What was his wife's name? A I think he called her Mary as well as I recollect.
Q Where were they living when you first got acquainted with them, Mr. Ellis? A When I first got acquainted with John Beeson he was at the Salt works [illegible], but his wife I never got acquainted with her until 1871 or '2, when I returned from Texas and I met John and he had this woman with him and he wanted me to bring her back to Arkansas.
Q Where did you meet them? A That was there un Hunt County, or Wood county.
Q Was his wife with him when you met him? A Yes, sir.
Q Now, where was the Salt works that you speak of having known John prior to knowing his wife; what State or County? A It was in Texas.
Q About when did you first known John? A That was the first I knowed of him was in about '62, I made salt with him, I employed him to make salt.
Q When did you leave or move away from there, from where John was working? A I moved away from there in '68, about that time and went back with a load of fruit trees and found John on the road and he asked me to take him back, I knowed him very well and knowed his master.
Q Who was his master? A His name was Beeson.
Q Where did he live? A He lived in Missouri.
Q Do you know whetheror not he lived in Missouri at the breaking out of the war? A Yes, sir.
Q Now, you met John and his wife down there, did they come back with you then? A They back came back with me then to Goingsnake district.
Q That was in what year? A I think it was in '71 or '2.
Q Well, have you ever seen them since you brought them back? A I have seen John often but I never have seen her.
Q Do you remember any of the children's names at that time, or has it been so long you have forgotten? A No, sir, I don't remember.

MR. McRAE: Now, Mr. Ellis, you knew a man down in Texas by the name of John Beeson? A Yes, sir.
Q And he had a wife by the name of Mary? A She claimed to be by the name of Mary, I seen them.
Q Now, is this Mary Eaton who makes application for enrollment before this commission the same Mary that this John was the husband of that you knew in Texas? A I could not tell you for I hadn't seen her since, I don't know that I would know her if I would see her

Q And you don't know to whom this Mary belonged before the war, do you? A No, sir, I don't.
Q You don't know where she was during the war, do you?
A No, sir.
Q You don't know of your own knowledge whether she ever went out of the Cherokee nation during the rebellion between the north and south, do you? A No, sir, I don't know anything about the applicant; I know that John Beeson-
Q I am not speaking about John Beeson; you don't know whether or not if she went out of the Cherokee Nation, whether or not she returned in the year 1866, do you A No, sir, I don't know about that.
Q And that Mary that was the wife of this man, John Beeson, you don't know whether she is dead or alive do you? A No, sir.

MR. DAVENPORT: I wanted to ask you, Mr. Ellis, do you know Mr. Jack Alberty? A Yes, sir.
Q I will ask you if you remember at any time along the trips you were making there going to Texas or from Texas about the time these people came with you, of meeting him anywheres? A Yes, sir, I met Mr. Alberty as I was coming back from Texas and he hailed me and I stopped to talk with him, and I asked him if he knew these negroes and he said he didn't know whether he did or not, and he went up to the wagon and said that was the negro woman that belonged to Baton.
Q He recognized her as being the woman he that belonged to Mary Baton? A Yes, sir.

MR. McREA: That was the Mary that was with you?
A Yes, sir.
Q You don't know whether that was the Mary or not that came back to the Cherokee nation and stopped down here about Doggy Depot?
A No, sir, I don't know anything about the Doggy Depot.

Com'r Needles: This testimony will be made part of the record in the original case and also part of the record in doubtful cases #766, #783, and #972.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of hi s stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. JAC

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In the matter of the application of Mary Hudson et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Mary Hudson----------Cherokee Freedmen D 764,
William Beeson----------Cherokee Freedmen D 766,
Jesse Beeson et al.------Cherokee Freedmen D 783,
John Beeson----------Cherokee Freedmen D 972.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Mary Hudson, for herself; by William Beeson, for himself; by Jesse Beeson, for himself, his wife, Mary Beeson, and minor children, Sanford, Clifton, Mercy and Christyann Beeson; and by John Beeson, for himself.

The evidence shows that the applicant, Mary Hudson, formerly Beeson, was not the slave of a Cherokee citizen nor a free colored person residing the Cherokee Nation at the commencement of the rebellion, and that she was not residing in the Cherokee Nation on July 19, 1866, nor at any time within six months thereafter.

The evidence further shows that the applicants, William, Jesse and John Beeson, have been born since 1866 and are descendants of and claim right to enrollment through the said Mary Hudson.

The evidence further shows that the applicant, Mary Beeson, nee Rowe, has been born since 1866 and is a descendant of and claims right to enrollment through one Jef Rowe; that the said Jef Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he was taken out of the Cherokee Nation but returned thereto and established his residence in 1866.

The evidence further shows that the said minor applicants, Sanford, Clifton, Marcy and Christyann Beeson, are the minor children of the said Mary Beeson, by her husband, Jesse Beeson; that the said Mary Beeson was residing in the Cherokee Nation on and for sometime prior to June 28, 1898, and that said minor children have resided with their said mother since birth.

The names of the said Mary Hudson, William Beeson, Jesse Beeson and John Beeson are not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Hudson, William Beeson, Jesse Beeson and John Beeson, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that the said Mary Beeson, Sanford Beeson, Clifton Beeson, Mercy Beeson and Christyann Beeson should be enrolled as Cherokee Freedmen, in accordance with the provisions of said Section Twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) W. E. Stanley,
Commissioner.

Muskogee, Indian Territory.

this JUL 22 1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 8 1901

ACTING

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I.T. Oct 8 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Jesse Bruner et al for enrollment as Freedmen of the Cherokee Nation.

Isaac M Rea
Atty for applicants

No. 10783

Cherokee F.D-764
766-783-972

Muskogee, Indian Territory, July 27, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 22, 1903, rejecting the application for the enrollment of Mary Hudson and William, Jesse and John Beeson, and granting the application for the enrollment of Mary, Sanford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. D-97

COPY.

Cherokee Freedmen
D-764, D-765.

Muskogee, Indian Territory, August 24, 1903.

Isaacs & McRea,

Attorneys for Mary Hudson, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 22, 1903, in the consolidated case of Mary Hudson, et al., granting the application for the enrollment of Mary, Sanford, Clifton, Mercy and Christy-ann Beesen, and rejecting the applications for the enrollment of Mary Hudson and Jesse Beesen, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. D-161.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-764, D-766,
D-783 & D-972.

Muskogee, Indian Territory, August 24, 1903.

Jesse Beeson,

Nowata, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 22, 1903, in the consolidated case of Mary Hudson, et al., granting your application for the enrollment of your wife, Mary Beeson, and your four minor children, Sanford, Clifton, Mercy and Christyann Beeson, and rejecting your application for the enrollment of yourself, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Isaacs & McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. D-169.

Refer in reply to the following:
LAND.
32265/1903.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Mary Hudson, et al. for enrollment as citizens of the Cherokee Nation.

Mary Hudson applied for the enrollment of herself, William Beeson applied for his enrollment and Jesse Beeson applied for the enrollment of himself, his wife, Mary Beeson, and their children, Sanford, Clifton, Marey and Christyann Beeson, and John Beeson applied for the enrollment of himself.

Mary Hudson, the record shows, was the slave of Susie Hatem at the commencement of the war. She left the Cherokee Nation during the war and did not return and permanently locate therein until about 1871. William, Jesse and John Beeson are descendants of Mary Hudson and claim right to enrollment through her. They were all born since 1866.

Mary Beeson, nee Rowe, wife of Jesse Beeson, was born since 1866 and is a descendant of Jeff Rowe. Jeff Rowe was the slave of a citizen of the Cherokee Nation at the commencement of the war. He

was taken out of the Nation during the war, but returned in 1866 and established his residence there.

Sanford, Clifton, Marcy and Christyann Beeson are the minor children of Jesse Beeson and Mary Beeson. Mary Hudson, William Beeson, Jess Beeson and John Beeson are not identified by the 1860 roll.

On July 22, 1903, the Commission held that Mary Hudson, William Beeson, Jess Beeson and John Beeson were not entitled to enrollment as Cherokee Freedmen, not having complied with the provisions of the treaty and that Mary Beeson, wife of Jesse Beeson and their children, Sanford, Clifton, Marcy (or Mercy) and Christyann Beeson, were entitled to enrollment by reason of the fact that Jeff Rowe, ancestor from whom they claim, complied with the requirements of the treaty of 1866.

An examination of the record shows the facts to be as found by the Commission and the approval of their decision is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAW-H

D C 14115-1904. COPY. J.P.

ITD 2400-1904. DEPARTMENT OF THE INTERIOR, CMR

L.R.S. WASHINGTON. April 28, 1904.

The Commission

to the Five Civilized Tribes.

Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application for enroll of Mary Hudson, William Beeson, Jesse Beeson, John Beeson, Mary Beeson, Sanford Beeson, Clifton Beeson, Mercy Beeson, and Christyann Beeson, as Cherokee Freedmen, and recommended that your decision of July 22, 1903, rejecting the applications of Mary Hudson, William Beeson, Jesse Beeson and John Beeson, and allowing the applications of Mary Beeson, Sanford Beeson, Clifton Beeson, Mercie Beeson, and Christyann Beeson, be concurred in.

The Department affirms your decision except as to Jesse and John Beeson, and as to them, as you have not passed upon the question of their rights by intermarriage, the case is remanded in order that proper action may be taken.

Your attention is called to the opinion of the Assistant Attorney General of March 22, 1904, upon questions presented by counsel for the Cherokee Nation, in which it is stated:-

"The third question is not properly presented on the records before me. In the case of Henry C. Hayden this question is attempted

to be presented, but it was not the controlling question and may even be an immaterial one. It was found by the Commission that his wife, Maria Hayden, was not entitled to enrollment, and this judgment was concurred in by the Indian Office. That decision was affirmed by the Department November 28, 1902, without discussion of the question of intermarriage. The question is an important one, affecting many persons, and manifestly ought not to be considered by me upon a presentation alone by argument of counsel opposed to the applicant. I therefore deem it not proper at this time, and, as here presented, to form or express an opinion upon the question.

See also copy of Acting Commissioner of Indian Affairs' letter of September 30, 1902, in the Hayden case.

It is requested that at an early day, either in this case or some similar case, the question whether the applicant is entitled to enrollment as a Cherokee freedman by intermarriage be presented to the Department, with your views in the matter. The applicants and the Nation should be given an opportunity to file any arguments they may desire.

The testimony and papers attached in the case of Mary Hudson et al., are inclosed herewith, together with a copy of Indian Office letter of March 17, 1904.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-783.

Muskogee, Indian Territory, May 10, 1904.

Jesse Beeson,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 22, 1903, rejecting, among others, your application for the enrollment of yourself and granting your application for the enrollment of your wife, Mary Beeson, and your minor children, Sanford, Clifton, Mercy and Christyann Beeson, as Cherokee freedmen, was affirmed by the Secretary as to your said wife and children, on April 28, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-764 et al.

Muskogee, Indian Territory, May 10, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 22, 1903, in the consolidated case of Mary Hudson et al., rejecting the applications for the enrollment of Mary Hudson, William, John and Jesse Beeson, and granting the application for the enrollment of Mary, Samford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except John and Jesse Beeson, on April 28, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-764 & D-783.

Muskogee, Indian Territory, May 10, 1904.

Isaacs & McRea,

Attorneys for Mary Hudson et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 22, 1903, in the consolidated case of Mary Hudson et al., rejecting the applications for the enrollment of Mary Hudson and Jesse Beeson, and granting the application for the enrolment of Mary, Sanford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except Jesse Beeson, on April 28, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, Febrary 28, 1907

The Honorable,

Secretary of the Interior.

Sir:

August 28, 1904 (I.T.D. 2400-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes granting, among others, the application for the enrollment of Mary Beeson, and her children, Sanford, Clifton, Mercy and Christyann Beeson, as Cherokee freedmen. The Commission, in its decision of July 22, 1903, found that

> "Mary Beeson, nee Rowe, has been born since 1866 and is a descendant of and claims right to enrollment through one Jef Rowe; that the said Jef Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he was taken out of the Cherokee Nation but returned thereto and established his residence in 1866."

The records of this office show that this finding of the Commission is erroneous. The Commission to the Five Civilized Tribes in its decision of April 19, 1905, found that said Jef Rowe, father of said applicant, Mary Beeson,

was the slave of a Cherokee citizen, was taken from the Cherokee Nation during the war of the rebellion, and did not return thereto and establish a residence therein within the time limited by the Treaty of July 19, 1866. This finding of the Commission was concurred in by the Commissioner of Indian Affairs May 12, 1905 (Land 31386-1905), and was approved by the Department November 13, 1906 (I.T.D. 8452-7643-8453-8455 1906).

Mary Beeson possesses no right to enrollment as a Cherokee freedman except as a descendant of her said father, Jef Rowe, and her children, Sanford, Clifton, Merey and Christyann Beeson, possess no right to enrollment other than as her descendants.

It is therefore respectfully recommended that the Department rescind its said decision of August 28, 1904, in so far as it grants the enrollment of these applicants as Cherokee freedmen, and that their application for enrollment as such be denied.

The names of these applicants have not been placed upon a schedule of Cherokee Freedmen and forwarded to the Department for approval

Respectfully,

Through the Commissioner of
Indian Affairs.

Commissioner

SPECIAL. COPY. CRW.

W.E.M.

DEPARTMENT OF THE INTERIOR,

D.C.13019-1907. WASHINGTON.
I.T.D.7946-1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 28, 1907, you recommended that Departmental action granting the application for the enrollment of Mary Beeson, and her children, Sanford, Clifton, Mersy and Christyann Beeson, be rescinded in so far as it grants the enrollment of said persons as Cherokee freedmen and that their application for enrollment as such be denied.

The Department concurs in your recommendation, and the application is accordingly denied.

A copy of your letter, together with a copy hereof, has been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 enclosure, with
copy hereof to Ind. Of.

A.F.Mc.
3-4-07.

Cherokee
F - 1337.

Muskogee, Indian Territory, May 13, 1907.

Mary Beeson,

Centralia, Indian Territory.

Dear Madam:

This office is in receipt of your letter of April 30, 1907, stating that you have received notice that you have been "rejected", and also that you have received notice to appear in connection with a contest case to which you are a party. You ask information in the premises, and that the contest be continued until your citizenship rights are finally settled.

In reply you are advised the records of this office show that the application for your enrollment as a Cherokee freedman was denied by the Secretary of the Interior March 4, 1907.

The records fail to show that you have been notified to appear as a party to any allotment contest pending in the Cherokee Nation.

Respectfully,

S.W. Acting Commissioner.

Copy
1-31758

Land-
36108-1909
J E D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. Jul 20 1909

Cherokee Freedman enrollment case of Mary Beeson et al.

The Honorable

Secretary of the Interior.

Sir:

Referring to Department letter of March 2, 1909 (File 5-51) there is transmitted herewith a report of May 10, 1909, from the Acting Commissioner to the Five Civilized Tribes, relative to the Cherokee freedman enrollment case of Mary Beeson, et al. The other papers are also enclosed.

On April 28, 1904, the Department rendered a decision in favor of the enrollment of Mary, Sanford, Clifton, Mercy, and Christyann Beeson as Cherokee freedmen. On March 4, 1907, however, the Department on the recommendation of the Commissioner to the Five Civilized Tribes, rescinded its action of April 28, 1904, and denied the application of the persons above named. The Acting Commissioner reports that the record in the case fails to show that any notice was given to these applicants of the proceedings looking to the reversal of the favorable decision of April 28, 1904.

In view of the Department's action of August 15, 1907, in the case of Serena Bullocks and others, the Office is of the

opinion that the Department's decision of April 28, 1904, granting the application of Mary Beeson and the others named above, constituted in legal effect an enrollment, and consequently that the action of the Department of March 4, 1907, rescinded its decision in their favor, without notice to the applicants, and without affording them an opportunity to be heard, was without authority of law.

The Office believes for the reasons given that the case comes within the principles announced by the Supreme Court of the United States in the Goldsby case (211 U.S.249) and therefore recommends that the Department's action of March 4, 1907, rescinding its decision of April 28, 1904, be considered as void and of no effect.

The Office further recommends that the Commissioner to the Five Civilized Tribes be instructed to prepare roll schedules in the usual form, containing thereon the names of Mary, Sanford, Clifton, Mercy and Christyann Beeson, and to place thereon for the signature of the Secretary of the Interior the following notation)-

"Enrollment approved by the Acting Secretary, Department of the Interior, April 28, 1904 (I.T.D.2400-1904). I certify that this notation of enrollment is correct as shown by the records of the Interior Department."

Very respectfully,

F. H. Abbott,

Acting Commissioner.

BCS-15
3095

678

REFER IN REPLY TO THE FOLLOWING:
Cherokee F
1337

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1907.

Mary Beeson,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the application for the enrollment of yourself and children, Sanford, Clifton, Merey and Christyann Beeson, as Cherokee freedmen, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-31
LMC

Cherokee P.
1337.

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Mary Beeson, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-32
LBC

Muskogee, Oklahoma, May 10, 1909.

Subject:
Relative to enrollment
of Mary Beeson, et al.,
as Cherokee freedmen.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to report further regarding the matter of Departmental letter of March 2, 1909 (File 5-51), in which I am instructed to report on all cases similar to that of Cordelia Freeland, these being cases where applications for enrollment were approved by the Department and said action afterwards rescinded, the names of the applicants not having been placed on any schedule.

Such a case is that of Mary Beeson and her children, Sanford, Clifton, Mercy and Christyann Beeson, and in reporting relative thereto the points upon which information is desired are covered in the order directed in the letter of the Department.

(1) Mary Beeson appears on the Kerns-Clifton Roll as Mary Rowe, but none of her children appear upon any of the tribal rolls.

(2) On July 22, 1903, the Commission to the Five Civilized Tribes rendered a decision providing for the enrollment of Mary, Sanford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen.

On March 17, 1904 (Land 52265-1903), the Commissioner of Indian Affairs recommended the approval of this decision, and on April 28, 1904 (I. T. D. 2400-1904), the decision received the approval of the Department.

No record is found to show that these names were ever placed upon a schedule to be submitted for Departmental approval, but on February 28, 1907, the Commissioner to the Five Civilized Tribes recommended that Departmental decision of August 28, 1904, be rescinded and the application of these applicants for enrollment be denied, and on March 4, 1907 (I. T. D. 7946-1907), the application was denied.

(3 and 4) No application appears to have been made under the provisions of the Act of June 10, 1896.

(5) Tentative selections of allotment were made on behalf of all these persons, but as they were never enrolled no certificates of allotment were issued. These tentative selections were cancelled upon the receipt of notice of Departmental action of March 4, 1907, and the land has subsequently been selected in allotment by other citizens, and in most instances certificates and patents have issued.

(6) The record in connection with this case fails to show that any notice was given, either directly or indirectly, to these applicants of the proceedings looking to the reversal of the favorable decision in their case.

(7) The action of the Department of March 4, 1907, in rescinding its former action granting the application for the enrollment of these persons was based upon the report of this office of February 28, 1907, which called attention to the fact that the Commission in its decision of July 22, 1903, found that

> "Mary Beeson, nee Rowe, has been born since 1866 and is a descendant of and claims the right to enrollment through one Jef Rowe; that the said Jeff Rowe was a slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion, he was taken out of the Cherokee Nation, but returned thereto and established his residence in 1866 . . . ."

The report states that this finding was erroneous for the reason that the Commission in a decision rendered April 19, 1905, found that the said Jef Rowe was taken from the Cherokee Nation during the War of the Rebellion and did not return thereto and establish a residence within the time limited by the treaty of July 19, 1866. This finding was concurred in by the Commissioner of Indian Affairs and approved by the Department, and inasmuch as Mary Beeson possessed no right to enrollment except as a descendant of her said father, it was recom-

mended that the decision of the Department of August 26, 1904, be rescinded.

The complete record in this case has heretofore been transmitted to the Commissioner of Indian Affairs.

Respectfully,

WSDM (LBA)

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

G.G.A. Copy J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

DEC 7 1909

D-8359. OFFICE OF INDIAN AFFAIRS 98061
RECEIVED DEC 8-1909
File_____

Commissioner of Indian Affairs.

Sir:

The Department has considered the Cherokee freedman case of Mary Beeson et al., transmitted with your office letter of July 20, 1909 (Land 36108-1909), with a view to determining whether the applicants should be accorded the status of enrolled citizens of the tribe.

July 22, 1903, the Commission to the Five Civilized Tribes rendered a decision providing for the enrollment of the applicants as Cherokee freedmen. March 17, 1904, the Commissioner of Indian Affairs recommended that this decision be approved. Following this recommendation, the Department, on April 28, 1904, affirmed the said decision of the Commission to the Five Civilized Tribes. This favorable decision was rescinded however, on March 4, 1907.

Reporting in the matter May 10, 1909, the Commissioner to the Five Civilized Tribes says that the record in connection with this case fails to show that any notice was given, either directly or indirectly, to these applicants of the proceedings looking to the reversal of the favorable decision in their cases.

In view of departmental decision of August 15, 1907, in the case of Serena Bullocks et al., your office expressed the opinion that the Department's decision of April 28, 1904, granting the application of Mary Beeson and the other parties to the case, constituted in legal effect an enrollment and consequently the action of the Department of March 4, 1907, rescinding its decision in their favor, without notice to the applicants and without affording them opportunity to be heard, was without authority of law.

In this connection your office cited the case of John E. Goldsby, decided by the Supreme Court November 30, 1908 (211 U.S.,249), and recommended that the Department's action of March 4, 1907, be considered as void and of no effect.

In all material respects this case is similar to that of Minerva F. Swadley, in which a decision adverse to the applicants was rendered by the Department August 9, 1909. That decision must be regarded as controlling in the present case. Therefore the Department concludes that there is no further action which can or should be taken by it in the matter of the enrollment of Mary Beeson and her children.

The papers are herewith returned.

Very respectfully,

(Signed) Frank Pierce

First Assistant Secretary.

D C 2135-1909.
Land-
Population
98062-1909
J R D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, WHG

DEC 15 1909

Enrollment claim of
Mary Beeson, et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to the report of May 10, 1909, from the Acting Commissioner to the Five Civilized Tribes, relative to the Cherokee freedman enrollment case of Mary Beeson, et al, you are advised that on December 7, 1909, the Department held that their case in all material respects was similar to that of Minerva F. Swadley, in which a decision adverse to the applicant was rendered by the Department on August 9, 1909. The Department, therefore, decided that there was no further action which could or should be taken by it in the matter of the enrollment of Mary Beeson and her children. You are requested to notify the applicants or their attorneys.

A copy of Department decision of December 7, 1909, is transmitted herewith for your information and guidance. A copy of Office letter of July 20, 1909, is also inclosed.

Very respectfully,

(Signed) C. F. Hauke,
Chief Clerk.

GNK-10
6524

Cherokee
F-1337.

Muskogee, Oklahoma, December 23, 1909.

Mary Beeson,

Nowata, Oklahoma.

Madam:

There is enclosed herewith a copy of Departmental letter of December 7, wherein the Department declines to take any further action in the matter of the enrollment of you and your children.

Respectfully,

WSDM (LRA) Acting Commissioner.

Encl. 23-6.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Jessie Beeson for enrollment as a Cherokee Freedman.

No. F. D. 783

Henry Pack, of lawful age, being duly sworn on oath states that on the 18 day of September, A. D., 1901, he registered to Jessie Beeson whose postoffice is Nowata Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Jessie Beeson, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept. A. D. 1901.

J. O. Starr
Notary Public.

No. 7853

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901

Given under my hand this ..... day of ..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Jessie Beeson for enrollment as a Cherokee citizen:

Case No. D 783

To Jessie Beeson Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L B Bell

H. W. Hailey

Attorneys for the Cherokee Nation.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 20 1901

Post Office Nowata I.T.

District Coo

1. Name Jesse Beeson Age 27

Owner's name Citizenship

Year Wallace Page 117 No 2465 District Coo

Parents:

Father Citizenship

Mother Mary Hudson - living Citizenship

2. Name of wife Mary Beeson Age 23

Owner's name Citizenship

Year K.C. Page 130 No 3245 District Coo

Parents:

Father Jeff Rowe - living Citizenship

Mother Citizenship

Names of Children:

3. Sanford Beeson Year Page No. Dist. 7

4. Clinton " Year Page No. Dist. 5

5. Mercy " Year Page No. Dist. 4

6. Christyann " Year Page No. Dist. 2

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer J. O. Rosson

Doctfiled

2 on K.C. roll as Mary Rowe

3, 4, 5 and 6, Birth affs. required.

Ref. D764 D690

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE MAR 22 7-PM 19 07 IND.T.

OFFICIAL BUSINESS PENALTY FOR PRIVATE USE

RETURNED TO WRITER UNCLAIMED

B

~~Newlin, I. T.~~

KOWA AP 1907 IND.T.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

END
OF
REEL



